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	1	2	3
33.	Fruits and vegetable, flakes, powder, figs	Sulphurdioxide	600
34.	Flour for baked food	Sodium diacetate or Propionates or	2500
		Methyl propyl hyproxy	3200
		Benzoate	500"

8. In part X of the said rules, after rule 55A, the following rule shall be inserted, namely :—

"55B. *Restriction on use of nitrate and nitrite.*—No nitrate or nitrite shall be added to any infant food."

9. After Part XI of the said rules, the following Part shall be inserted, namely :—

'PART XIA—CROP CONTAMINANTS AND NATURALLY OCCURRING TOXIC SUBSTANCES

57-A. *Crop contaminants.*—(1) Crop contaminant means any substance not intentionally added to food, but which gets added to articles of food in the process of their production (including operations carried out in crop husbandry, animal husbandry and veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of articles of such food as a result of environmental contamination.

(2) No article of food specified in column (2) of the Table below shall contain any crop contaminant specified in the corresponding entry in a column (1) thereof in excess of quantities specified in the corresponding entry in column (3) of said Table :

Name of the contaminants	Article of Food	mg/kg
(1)	(2)	(3)
Aflatoxin	All articles of food	0.03

57-B-NATURALLY OCCURRING TOXIC SUBSTANCES

The toxic substance specified in column (1) of the Table below, which may occur naturally in any article of food, shall not exceed the limit specified in the corresponding entry in column (2) of the said Table :—

TABLE

Name of substance	Maximum limit
(1)	(2)
Agaric acid	100 ppm
Hydrocyanic acid	5 ppm
Hypericine	1 ppm
Saffrole	10 ppm

10. In rule 59 of the said rules,—

(a) in the first proviso for item 5 and the entries relating thereto, the following item and entries shall be substituted, namely :—

"5-As cropyl Palmitate	0.02 per cent".

(b) in the fifth proviso, the word, brackets and letters "and butylated hydroxytoluene (BHT) either singly or in combination" shall be omitted.

11. In rule 62 of the said rules, for the proviso, the following proviso shall be substituted, namely :—

"Provided that table salt, onion powder, garlic powder, fruit powder and soup powder may contain the following anticaking agents in quantities not exceeding 2.0 per cent, either singly or in combination, namely :—

(1) carbonates of calcium and magnesium.

(2) phosphate of calcium and magnesium

(3) silicates of calcium, magnesium, aluminium or sodium or silicon dioxide.

(4) myristates, palmitates or stearates of aluminium, ammonium calcium potassium or sodium."

12. In part XIII of the said rules,—

(a) for the heading, the following heading shall be substituted, namely :—

"PART-XIII-FLAVOURING AGENTS AND RELATED SUBSTANCES"

(b) for rules, 64, 64A, 64AA and 64B, the following rules shall be substituted, namely :—

"64—solvent in flavour—Diethylene Glycol and Monoethylether shall not be used as solvent in flavours.

64-A. *Use of anti-oxidants, emulsifying and stabilising agents and food preservatives in flavour*.—The flavouring agents may contain permitted anti-oxidants, emulsifying and stabilising agents and food preservatives.

64-B. *Use of monosodium glutamate*.—Monosodium glutamate may be added to an article of food provided the total glutamate content of the ready-to-serve food does not exceed 1 per cent. It shall not be added to any food for use by the infant below twelve months.".

13. After Part XV of the said rules, the following Part shall be inserted, namely :—

"PART XVI-SEQUESTERING AND BUFFERING AGENTS (ACIDS, BASES AND SALTS)

70. *Definition of sequestering agents*.—The sequestering agents are substances which prevent adverse effect of metals catalysing the oxidative breakdown of foods forming chelates ; thus inhibiting decolourifation, off taste and rancidity.

71. *Definition of buffering agents*.—Buffering agents are materials used to counter acidic and alkaline changes during storage or processing steps, thus improving the flavour and increasing the stability of foods.

72. *Restrictions on the use of sequestering and buffering agents*.—Unless otherwise provided in these rules the sequestering and buffering agents specified in column (1) of the Table below, may be used in the groups of food specified in the corresponding entry in column (2) of the said table, in concentration not exceeding the proportions specified in the corresponding entry in column (3) of the said Table :

TABLE

	Name of sequstering and buffering agentss		Groups of foods	Maximum level of use (parts million) (ppm) (mg/kg.)
	1		2	3
1.	Acetic Acid	(i)	Acidulant, bufferring and neutralising agents in beverages, soft drinks	Limited by G.M.P.
		(ii)	in canned baby foods	5,000
2.	Adipic acid		Salt substitute and dietary food	250
3.	Ammonium Phosphate monobasic		Bread improver in flour	2,500
4.	Ammonium Carbonate		As a leavening agent for baked foods, confections	5,000
5.	Calcium gluconate		in confections	2,500
6.	Calcium Carlonate		As a neutralizer in number of foods	10,000
7.	Calcium oxide		As a neutralizer in specified dairy product	2,500
8.	Citric acid Malic acid		Carborated beverage and as an acidulant in miscellaneous foods	Limited by G.M.P.
9.	Gluconodelta Lactone		As a leavening agent in cured meat or meat products	5,000
10.	DL Lactic acid (food grade)		As acidulant in miscellaneous foods	Limited by G M.P.
11.	Phosphoric acid		Beverages, soft drinks	600
12.	Polyphosphate containing less than 6 phosphate moieties	(a)	Processed cheese bread	40,000
		(b)	Milk Preparations	4,000
		(c)	Cake mixes	10,000
		(d)	Protein foods	4,000
13.	L (+) Tartaric acid		Acidulants	600

Note.—DL Lactic acid and L(+) Tartaric acid shall not be added to any food meant for children below 12 months (The lactic acid shall also conform to the specification laid down by the Indian Standards Institution)".

14. In Appendix B to the said rules,—

(a) after item A.10.07, the following item shall be inserted, namely :—

"A. 10.01—Carob powder means the powder obtained from the roasted pods of carob (fibbled carob) of Ceratonia Siliqua (L) Taub. (Fam. Leguminosae) and shall be free from husk. It shall be free from any artificial colouring flavouring, extraneous matter or glazine substance and shall be in sound dry and fresh condition free from rancid or obnoxious flavours.

It shall also conform to the following standards, namely :—

(i)	Total Ash	Not more than 1.2 per cent by weight
(ii)	Acid insoluble matter	Not more than 5 per cent by weight
(iii)	Tannin content	Not less than 0.1 per cent and not more than 0.15 per cent";

(b) in item A.16.01, A.16.03, A.16.04, A 16.05, A.16.06, A.16.07, A.16.09 and A.16.12, the words and figures "Fumaric acid may be used upto a maximum limit of 0.5 per cent", shall be omitted ;

(c) in item A.16.02—

(i) clause (d) shall be omitted ;

(ii) after clause (d) as so omitted, the following proviso shall be inserted, namely :—

"Provided that canned tomato juice may also contain extraneous permitted colour";

(iii) the words and figures "Fumaric acid may be used upto a maximum limit of 0.5 per cent", occurring, at the end shall be omitted.

Published in the *Gazette of India, Ext.*, Part II, Section 3(ii), No. 11, dated January 4, 1985

MINISTRY OF HEALTH & FAMILY WELFARE

G. S. R. 11(EE)—(*New Delhi, the 4th January, 1985*).—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Gazette of India, Ext., Part II section 3, sub-section (i) dated the 5th September, 1983 under the notification of the Government of India in the Ministry of Health and family Welfare (Department of Health) No. G. S. R. (E) ,dated the 5th September, 1983 inviting objections and suggestion from all persons likely to be affected thereby, before the expiry of ninety days from the date of publication of the said notification in the Official Gazette.

And whereas the copies of the said Gazette were made available to the public on the 22nd September, 1983 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conterred by sub-section (1) of section 23 of the said Act the Central Government after consultation with Central Committe for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely:—

RULES

1. (1) These rule may be called **the Prevention of Food Adulteration (Second Amendment) Rules, 1985**.

(2) They shall come into the force on the date of their publication in the Official Gazette.

2. In the Prevention of Food Adulteration Rules, 1955,

(a) in rule 42, for sub-rule (V), the following sub-rules shall be substituted, namely:

(V) Every container or packege of table salt or iron fortified Common Salt containing aluminium silicate as anticaking agent shall bear the following label namely:—

"TABLE SALT/IRON FORTIFIED COMMON SALT"

Contains permitted anticaking agent.

Strike out whichever is notapplicable or

(VV) Every container or package of iron fortified common salt shall bear the following label, namely:—

"IRON FORTIFIED COMMON SALT"

(b) in rule 49 for sub-rule (10), the following sub-rule shall be substituted, namely:

"(10) Table salt or iron fortified common salt containing anticaking agent shall be sold only in a package which shall bear the label as specified in sub-rule (V) of rule 42 or (10A) Iron fortified common salt shall be sold only in high density polthylene bag (HDPE) (14 mesh, density 100kg/m3 unlaminated) package which shall bear the label as specified in sub-rule (VV) of rtle 42";

(c) in rule 57, in the Table under sub-rule (2),—

(i) against serial number 1 relating to Lead, in column (2) under the heading "(ii) other foods", after item "Hard boiled suger confectionary" and the entry relating thereto the following item entry shall be inseted, namely:—

2	3
"Iron Fortified Common Salt	2.0"

(ii) against serial No. 2 relating to Copper, in Column (2), under the heading "(ii) (Other foods)", after item "Heard boiled sugar confectionary" and the entry relating thereto the following items and entry shall be inserted, namely:—

(2)	(3)
"Iron Fortified Common Salt.	1.0";

(d) in item A. 11.02. 14 and A. 11.02. 15, for the words and figures "Coliform count shall not exceed 90 per gram (E.Coi) shall be absent", wherever they ocur, the words and figures "Coliform shall be absent in 0.1 gram of powder" shall be substituted;

(ii) in item A. 11. 02. 18, after the words "Infant milk food shall not show standard plate Count of more than 50,000 per gram", the following shall be inserted, namely:—

"Coliform shall be absent in 0.1 gram of the powder

(iii) after item m. 15. 01, the following item shall be inserted, namely:—

"A. 15. 02, Iron Fortified Common salt means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay and other extraneous adulterants and impurities. It shall conform to the following standards, namely:

1. Moisture	Not more than 5.0 per cent by weight.

2.	Water insoluble matter	Not more than 1.0 percent on dry weight basis.
3.	Chloride content (as NA Cl)	Not less than 96.5 per cent by weight on dry weight basis
4.	Matter insoluble in dilute hydrochloricacid	Not more than 0.3 per cent by weight on dry weight basis, (to be determined by the method specified in IS 253-1970)
5.	Matter soluble in water other than Sodium chloride.	Not more than 2.5 per cent on dry weight basis.
6.	Iron content (as Fe)	850-100 parts per million.
7.	Phosphorus as inorganic (PO4)	1500-2000 parts per million
8.	Sulphate as (SO)	Not more than 1.1 per cent by weight.
9.	Magnesium as (Mg) where soluble.	Not more than 0.40 per cent by weight.
10.	PH value in 5 per cent solution in water.	2 to 3.5:

Provided that Iron Fortified Common salt may contain aluminium silicate as an anticaking agent to a maximum extent of 2.0 per cent and in such a case the total matter insoluble in water shall not exceed 2.2 per cent on dry weight basis."

(iv) in item A.21, in clause (b), for the figures and words "12 per cent of its weight", the figure and words "16 per cent of its weight" shall be substituted.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(ii),
No. 644, dated December 31, 1984.

MINISTRY OF LABOUR AND REHABILITATION

S. O. 982(E).—(*New Delhi, the 31st December, 1984*).—In pursuance of the notification of the Government of Indiai n the Ministry of Home Affair S. O. No. 529 (E) dated 22nd July, 1983, the Central Government hereby appoints 31st December, 1984, as the date on which the provisions of the Fatal Accident Act, 1855 (4 of 1855) and the Employers' Liability Act, 1938 (24 of 1938) shall come into force.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(i),
No. 2, dated January 12, 1985.

MINISTRY OF FINANCE

G. S. R. 45.—(*New Delhi, the 7th January, 1985*).—In exercise of the powers conferred by sections 11C, 11D, 11E, 11F and 11G of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules further to amend the Notified Goods (Prevention of Illegal Import) Rules, 1979, namely :—

1. (1) These rules may be called **the Notified Goods (Prevention of Illegal Import) Amendment Rules, 1984.**

(2) They shall come into force on the date of there publication in the Official Gazette.

2. In the Notified Goods (Prevention of Illegal Import) Rules, 1969, in rule 9, in sub-rule (2), for clause (b), the following clause shall be substituted, namely :—

"(b) In addition to the identifying particulars mentioned in clause (a), the particulars mentioned against each of the following articles shall also be given in respect of each such article :—

(i) watches—gents' or ladies ; hand-winding, automatic quartz or electronic ; size ; shape ; with or without centre second ; calendar or not ; rolled-gold, chrome stainless steel, palladium or plastic ; luminous dial or not ; type of numerals on dial ; combination type or not ;

(ii) watch movements—model ; number ; calibre—type ; hand-winding or automatic ; calendar or not ;

(iii) watch dials—calibre ; size ;

(iv) watch cases—calibre ; size ; rolled-gold, chrome, stainless steel, palladium or plastic ;

(v) synthetic yarn—variety ; denier ;

(vi) metalised yarn—variety ; colour ; length of yarn ;

(vii) fabrics and sarees—variety of yarn ; type of fabrics ; colour :

(viii) knit-wear—variety of yarn ; gents', ladies' or children's size ; Colour ; type ;

(ix) fountain pens, ball point pens—model ; colour ;

(x) perfumes—quanity of contents per bottle/vial ;

(xi) T. V. Sets—model ; colour or black und white ; with or without remote control ; screen size ; number of channels ; combination type or not ;

(xii) electronic calculators—models : with or without printer ; combination type or not ;

(xiii) Video Cassette Recorders Video Cassette Players—model ; with or without remote control ; combination type or not ;

(xiv) video cassette tapes—model ; playing time ;

(xv) zip fastners—length ; teeth material ; colour."

Published in the *Gazette of India, Extraordinary*, Part-II, Section 3(i), No. 113, dated March 18, 1985.

MINISTRY OF HOME AFFAIRS

G. S. R. 283 (E).—*(New Delhi, the 18th March, 1985)*.—In exercise of the powers conferred by Section 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely :—

1. (1) These rules may be called **the Arms (Amendment) Rules**, 1985.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Arms Rules, 1962, in rule 46, in clause (c) of sub-rule (4), for the words "one year and six months", the words "two years" shall be substituted.

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i), No. 108, dated March 17, 1985

INDIAN POSTS AND TELEGRAPHS DEPARTMENTS

G. S. R 105 (E).—*(New Delhi, the 16th March, 1985)*.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885) and section 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933), the Central Government hereby makes the following rules regarding exemption of radio, television and video cassette record sets from licensing requirement, namely :—

1 **Short title and commencement:**—(1) These rules may be called the **Radio. Television and Video Cassette Recorder Sets (Exemption from Licensing Requirements) Rules, 1985.**

(2) They shall come in to force on the 17th day of March, 1985.

2. **Radios etc. not to be deemed to be wireless telegraphy apparatus.**—It is hereby provided in pursuance of clause (1) of sub-section (2) of section 10 of the Indian Wireless Telegraphy Act, 1933 (17 of 1933) that radio, television and Video Cassette recorder sets shall not be wireless telegraphy apparatus for the purposes of the said Act.

3. *Licensing requirement not to apply to radios, etc.--(1)* On and after the commencement of these rule.—

(a) notwithstanding anything contained in the licensing of Wireless Receiving Apparatus Rules, 1965, no licence shall be required under the said rules for working radio. television or video cassette recorder sets ;

(b) notwithstanding anything contained in the Indian Wireless Telegraphy (Possession) Rules, 1965, no licence shall be required under the rules for being in possession of radio, television or video cassette recorder sets ;

(c) notwithstanding anything contained in the Commercial Boardcast Receiver Licensing (Dealers) Rules, 1965 no licence shall be required under the said rules in respect of radio, television or video cassette recorder sets.

(2) Where licence fees have been paid under the Licensing of wireless Receiving Apparatus Rules, 1965, in respect of any radio, television or video cassette recorder set for the calendar year 1986 or any subsequent calendar year, refund shall be granted of such fees in the same manner as in the cases referred to in the priviso to rule 8 of the said rules.

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i) No. 91, dated March 1, 1985.

MINISTRY OF LAW AND JUSTICE

G.S..R 131 (E).—(*New Delhi, the 1st March, 1985*) —In exercise of the powers conferred by sub-section (2) of section 1 of **the Constitution (Fifty-second Amendment) Act, 1985**, the Central Government hereby appoints the 1st day of March, 1985, as the date on which the said Act shall come into force.

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i), No. 81, dated February 28, 1985.

MINISTRY OF FINANCE

G. S. R. 118 (E).—(*New Delhi, the 28th Feburary, 1985*).—In exercise of the powers conferred by Section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called **the Central Excise (3rd Amendment) Rules 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 1944, in rule 52A,—

(1) for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) No excisable goods shall be delivered from a factory except under a gate-pass signed by the owner of the factory and countersigned by the proper officer.

Explanation :—In this rule, and in any other rule, where the terms "gate pass" is used, it shall mean—

(i) gate-pass in the proper form ; or

(ii) assessee's own such delivery invoice, challan or advice or other document of similar nature in which all the particulars contained in gate-pass in the proper form are also given ; or

(iii) such other from as the Collector may in any case or class of cases specify."

(2) in sub-rule (4), the words "in respect of factories having more than one section form which clearances take place" shall be omitted.

Published in the *Gazette of India* (*Ext.)*, Part-II, Section 3(i), No. 70, dated February 20, 1985

MINISTRY OF FINANCE

G. S. R. 97(E).—(*New Delhi, 20th February, 1985*).—In exercise of the powers conferred by sub-section (1) of section 157, read with sub-section (3) of section 160, of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby makes the following rules further to amend the Foreign Previleged Persons' (Regulation of Customs Privileges) Rules, 1957, namely :—

1. (1) These rules may be called **the Foreign Privileged Persons' (Regulation of Custom Privileges) Amendment Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Foreign Privileged Persons' (Regulation of Customs Privileges) Rules, 1957, after rule 4A, the following rule shall be inserted, namely .—

"4B. *Permission to retain the Motor vehicle after retirement* etc.—

(1) Where a privileged person on retiring from service or relinquishing his post in India decides to stay in India and retains the motor vehicle, in respect of which exemption fpom customs duty was given at the time of its importation or purchase from bond, for his bona fide use, the Central Board of Excise and Custum may, on an application made to it in this behalf, allow the person concerned to do so without payment of customs duty subject to the condition that the said motor vehicle has been used in India for a period of three years or more on the date on which the said person ceases to be a privileged person or relinquishes his post in India (hereinafter referred to as the relevant date).

(2) Where the motor vehicle has not been used in India for a period of three years or more on the relevant date or if the said person chooses to sell or otherwise dispose of the motor vehicle at a later date, customs duty shall become payable.

(3) Where the said person proposes to sell or otherwise dispose of the motor vehicle, he shall offer the same to the State Trading Corporation for the said purpose with the permission of the Central Board of Excise and Customs.

(4) The provisions of rule 5 shall apply *mutatis mutandis* to the custom duty payable under this rule."

Published in the *Gazatte of India* (*Ext.*), Part-II, Section 3(i), No. 62, dated February 16, 1985.

MINISTRY OF HEALTH AND FAMILY WELFARE.

G. S. R 89(E).—(*New Delhi, the 16th February, 1985*)—Whereas a draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945 was published. as required by section 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), under the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health), No. G. S. R. 458 (E), dated the 19th June, 1984, Section 3, Sub-section (i), dated the 19th June, 1984, inviting objections and suggestions from all persons likely to be affected thereby before the expirty of a period of ninety days from the date on which the copies of the official Gazette containing the said notification were made available to the public ;

And Whereas the said Gazette was made available to the public on the 4th July, 1984 ;

And whereas no objection or suggestion has been received from public on the said draft rules ;

Now, therefore, in exercise of the powers conferred by section 33 of the Drugs and Cosmetics Act, 1940, (23 of 1940), the Central Government after consultation with the Drugs Technical Advisory Board, hereby make the following rules further to amend the Drug and Cosmetics Rules, 1945, namely :—

1. (1) These rules may be called **the Drugs and Cosmetics (First Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Insertion of rule 55-A.*—In the Drugs and Cosmetics Rules, 1945 after rule 55, the following rule shall be inserted, namely :—

"55. A. *Manner of certifying copies of seized document.*—The Drugs Inspector shall return the documents, seized by him under clause (cc), or produced before him under clause (cca), of sub-section (1) of section 22 of the Act, within a period of twenty days of the date of such seizure or production, to the person from whom they were seized or, es the case may be, the person who produced them, after copies thereof extracts therefrom have been signed by the concerned Drugs Inspector and the person from whom they were seized, or, as the case may be, who producted such records."

3. *Insertion of rule 145-BA.*—After rule 145-B of the said rules, the following rule shall be inserted, namely :—

"**145 BA.** *Manner of certifying copies of seized document.*—The Drugs Inspector shall return the documents, seized by him under clause (cc), or produced before him under clause (cca), of sub-section (1) of section 22 of the Act, within a period of twenty days of the date of such seizure or production, to the person from whom they were seized or, as the case may be, the person who produced them, after copies thereof or extracts therefrom have been signed by the concerned Drugs Inspector and the person from whom they were seized, or, as the case may be, who produced such records."

Published in the *Gazette of India (Ext.)*, Part II, Section 3(i), No. 53, dated February 4, 1985.

MINISTRY OF FINANCE

G.S.R. 76(E).—*(New Delhi, the 4th February, 1985)*—In exercise of the powers conferred by sub-section (2) of section 79 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules further to amend the Baggage Rules, 1978, namely.—

1. (1) These Rules may be called **the Baggage (Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazhtte.

2. In Rule 3 of the Baggage Rules, 1978,—

(1) In clause (a), for the words "Sri Lanka or Maldives, and", the words "Sri Lanka,', shall be substituted ;

(2) after clause (a), the following clause shall be inserted, namely :—

"(aa) in the case of passengers arriving from Maldives.—

(i) Upto a value of Rs. 350, in case the period of stay outside India does not exceed three days ;

(ii) Upto a value of Rs. 750, in case the period of such stay exceeds three days but does not exceed nine days ,

(iii) Upto a value of Rs. 1250, in case the period of such stay exceeds nine days, excluding the days of travel, and",

(3) in the proviso, in sub-clause (a) of clause (i), for the words "Sri Lanka or Maldives, and", the words "Sri Lanka", shall be substituted.

(4) after sub-clause (a), the following sub-clause shall be inserted, namely :—

"(aa) in the case of passengers arriving from Maldives,—

(i) upto a value of Rs. 100, in case the period of stay outside India does not exceed three days :—

(ii) upto a value of Rs. 200, in case the period of such stay exceeds three days but does not exceed nine days ;

(iii) upto a value of Rs. 300 in case the period of such stay exceeds nine days, exccluding the dates of travel, and".

Published in the *Gazette of India* (*Ext.*), **Part II**, Section 3(ii), No. 117, dated March 11, 1985.

MINISTRY OF WORKS AND HOUSING

S. O. 186(E).—*(New Delhi, the 11th March, 1985)*—In exercise of the powers conferred by sub-section (2) of section 1 of **the Delhi Development (Amendment) Act, 1984** (Act 38 of 1984), the **Central** Government hereby appoints the twelfth day of March, 1985, as **the** date on which the provisions (except section 4, clause (c) of section 5 and sections 6, 10 and 11) of the said Act shall come into force.

Published in the *Gazette of India*, (*Ext.*), Part II, Section 3(ii), No, 115, dated March 11, 1985.

MINISTRY OF HOME AFFAIRS

S. O. 184(E).—(*New Delhi, the 11th March, 1985*).—In excercise of the powers conferred by sub-section (2) of section 1 of **the Constitution** (Forty-**ninth Amendment) Act, 1984,** the Central Government hereby appoints the

Date..........

LP 1372
8.9.08

Ist day of April, 1985 as the date on which the said Act shall come into force.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(ii), No. 111, dated 8th March, 1985.

MINISTRY OF COMMERCE AND SUPPLY

S. O. 179(E).—*(New Delhi, the 6th March, 1985)*.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Cotton Textile (Control) Order, 1948, namely :—

1. (1) This order may be called **the Cotton Textiles (Control) Order, 1985.**

(2) It shall shall come into force on the date of their publication in the Official Gazette.

2. In the Cotton Textiles (Control) Order, 1948.—

(i) in sub-clause (1) of clause 20,—

(a) after paragraph (b), the following paragraph shall be inserted, namely :—

(b) the packing of yarn in hanks, cones or in any other from and in such proportion as he may consider necessary or expedient."

(c) in the proviso, in clause (iv) after the words "to manufacture" the words "or pack" shall be inserted.

(ii) in clause 21 sub-clause (5) shall be omitted.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(ii), No. 104, dated March 1. 1984.

M NISTRY OF INDUSTRY AND COMPANY AFFAIRS

S. O. 172(E).—*(New Delhi, the 1st March, 1985)*.—In exercise of the powers conferred by Section 18G and section 25 of Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following order further to amend the Cement Control Order, 1967, namely :—

1. (1) This order may be called **the Cement Control (Amendment) Order, 1985.**

(2) It shall come into force on the Ist day of March, 1985.

2. In the Cement Control Order, 1967 for the word 'Controller', wherever it occurs, the words "Development Commissioner for Cement Industry" shall be substituted.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(ii), No: 81. dated February 13, 1985.

MINISTRY OF COMMERCE AND SUPPLY

S. O. 138(E)/No. E (C) O. 1977/AM(297).—*(New Delhi 13th February, 1985)*.—In exercise of the powers conferred by section 3 of Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called **the Export (Control) Second Amendment Order, 1985.**

2. In the Export (Control) Order, 1977 in Schedule I, in Part A, after

serial number 8A, the following serial number, letters and items shall be inserted, namely :—

"8B—Cardamom Extracts/Spent Seeds/Husk".

Published in the *Gazette of India*, (*Ext.*), Part II, Section 3 (i),
No. 69, dated February 20, 1985.

MINISTRY OF FOOD AND CIVIL SUPPLIES

G. S. R. 96(E).—*(New Delhi, the 20th February, 1985)*.—In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules further to amend the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, namely :—

1. (1) These rules may be called the **Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, in the Third Schedule, in the entry under the heading "quantities under which to be packed" against the item 15, the following words shall be omitted :—

"If net quantity is declared by volume the same number is mililitres or litres as the case may be."

Published in the *Gazette of India, (Ext.)*, Part II, Section 3 (ii),
No. 49, dated January 31, 1985.

MINISTRY OF FINANCE

S. O. 65(E).—*(New Delhi, the 31st January, 1985)*.—Whereas certain draft rules further to amend the Income-tax Rules, 1962, were published with the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. S. O. 687(E), dated the 6th September, 1984, in the Gazette of India, Extraordinary. Part II, Section 3, Sub-section (ii), dated the 6th September, 1984, at pages 1—11, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of thirty days from the date on which copies of the Gazette in which the said rules were published were made available to the public ;

And whereas the copies of the said Gazette was made available to the public on the 10th October, 1984 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Board of Direct Taxes ;

Now, therefore, in exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called **the Income-tax (Amendment) Rules, 1985.**

(2) They shall come into force on the first day of April, 1985.

2. In the Income-tax Rules, 1962,—

(a) after rule 6F, the following sub-heading and rule shall be inserted, namely :—

"CCC :—REPORTS OF AUDIT OF ACCOUNTS OF PERSONS

CARRYING ON BUSINESS OR PROFESSION.

6G. *Report of audit of accounts to be published under section 44 AB.*—(1) The report of audit of the accounts of a person required to be furnished under section 44AB shall,—

(a) in the case of a person who carries on business and who is required by or under any other law to get his accounts audited by an accountant, be in Form No. 3CA ;

(b) in the case of a person who carries on business, but not being a person referred to in clause (a), be in Form No. 3CB :

(c) in the case of person who carries on profession, be in Form No. 3CC.

(2) The particulars which are required to be furnished under section 44AB shall,—

(a) in the case of person carrying on business, be in Form 3CD ;

(b) in the case of a person carrying on profession, be in Form No. 3CE" ;

(b) in Appendix II, after Form No. 3C, the following Form shall be inserted, namely :—

"FORM NO. 3CA

[See rule 6G(1) (a)]

Audit Report under section 44AB of the Income-tax Act, 1961 a case where the accounts of the business of a person have been audited under any law by an accountant.

*I/We have to report that the statutory audit....... ......(name and address of the assessee) (Permanent Account No..........) was conducted by *me/us M/s........chartered accountants/auditors of companies in pursuance of the provisions of the......... Act, and *I/We annex hereto a copy of *my/our audit report dated... .....along with a copy each of the audited profit and loss account for the year ended on.......and a copy of the audited balance sheet as at.. .....along with the documents declared by the relevant Act to be part of, or annexed to, the profit and loss account and balance sheet.

A further report as required under the proviso to section 44AB is furnished in Form No. 3CD annexed hereto.

In *my/our opinion and to the best of *my/our information and according to explanations given to *me/us, the particulars given in Form No.3CD, are true and correct.

Place.............. Signed.
Date............. **Accountant

Notes :

1. *Delete whichever is not applicable.

2. Where any of the matters started in this report is answered in the negative or with a qualification, the report shall state the reasons therefor.

3. **This report has to be given by—

(i) a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949) ; or

(ii) any person who, in relation to any State, is, by virtue of the provisions of sub-section (2) of section 226 of the Companies Act, 1956 (1 of 1956), entitled to be appointed to act as an auditor of companies registered in that State.

FORM NO. 3CB

[See rule 6G (1)(b)]

Audit Report under section 44AB of the Income-tax Act, 1961, in case of a person carrying on business.

*I/We have obtained the balance sheet of.. ....(name and address of the assessee) (Permanent Account No.........as...... at.........and the profit and loss account for the year ended on that date which are in agreement with the books of account maintained at the head office at........and branches at..........

*I/We have obtained all the information and explanations which to the best of *my/our knowledge and belief were necessary for the purposes of the audit. In *my/our opinion, proper books of account have been kept by the head office and the branches of the assessee so far as appears from *my/our examination of books, subject to the comments given below :—

In *my/our opinion and to be best of *my/our information and according to explanations given to *me/us, the said accounts give a true and fair view—

(i) in the case of the balance sheet, of the state of above named assessee's affairs as at.........and

(ii) in the case of the profit and loss account, of the profit or loss of the above named assessee for the account year ending on......

The prescribed particulars are furnished in Form No. 3CD annexed hereto. In *my/our opinion and to the best of *my/our information and according to explanations given to *me/us, these are true and correct.

Place.. ...... Signed.....

Date .... **Accountant

Notes :

1. *Delete whichever is not applicable.

2. Where any of the matters started in this report is answered in the negative or with a qualification, the report shall state the reasons therefor.

3. **This report has to be given by—

(t) a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949) ; or

(ii) any person who, in relation to any State, is, by virtue of the provisions of sub-section (2) of section 226 of the Companies Act, 1956 (1 of 1956), entitled to be appointed to act as an auditor of companies registered in that State.

FORM NO. 3CC

[See rule 6G(1)(c)]

Audit Report under section 44AB of the Income-tax Act, 1961 in the case of a person carrying on profession.

I/We have examined the balance sheet of.........(name and adress of the assessee).......(Permanent Account No.............) as at......and *the profit and loss account/the Income and expenditure statement for the year ended on that which are in agreement with the books of account maintained at the head office at.. ....and branches at........

*I/We have obtained all the information and explanations which to the best of *my/our knowledge and belief were necessary for the purpose of the audit. In my *my/our opinion, proper-books of account have been kept by the head office and the branches of the assessee so far as appears from *my/our examination of books, subject to the comments given below :

In *my/our opinion and to the best of *my/our information and according to explanations given to *me/us, the said accounts give a true and fair view—

(i) in the case of the balance sheet, of the state of the above named assessee's affairs as at........, and

(ii) in the case of *the profit and loss account/the income and expenditure statement of *the profit or the income or the loss of the above named assessee for the accounting yaar ending on.........

The prescribed particulars are furnished in Form No. 3CE annexed hereto. In *my/our opinion and to the best of *my/our information and according to explanation given to *me/us, these are true and correct.

Place......... Signed.......

Date......... **Accountant

Notes :

1. *Delete whichever is not applicable.

2. Where any of the matters stated in this report is answered in the negative or with a qualification, the report shall state the reasons therefor.

3. **This report has to be given by—

(i) a chartered accountant within the meaning of the Chartered Accountant Act, 1949 (38 of 1949) ; or

(ii) any person who, in relation to any State, is by virtue of the provisions of sub-section (2) of section 226 of the Companies Act, 1956 (1 of 1956), entitled to be appointed to Act as an auditor of companies registered In that State.

FORM NO. 3CD

[See rule 6G(2)(a)]

STATEMENT OF PARTICULARS IN THE CASE OF A PERSON CARRYING ON BUSINESS

1 Books of accounts examined.

2. Method of accounting employed Indicate whether there is any change from the method of accounting employed in the immediatly preceding previous year.

3. (i) Method of valuation of opening and closing stock-in-trade ;

(ii) State whether there is any change in the Method of valuation of any of the aforesaid items as compared to the Method employed in the immediatly preceding previous year ;

(iii) If the answer to (ii) above is in the affirmative, specify the amount by which the profit or loss for the year has been affected by such change.

4 If in case of a dealer in goods, give quantitative details on the lines specified under the heading Finished Products in item 12 below ;

5. Amount of expenditure incurred by the assessee by way of, or on,—

(i) Capital expenditure debited to the profit and loss account ;

(ii) Personal expenses debited to the profit and loss account ;

(iii) Advertisement, publicity and sales promotion outside India in respect of goods, services or facilities which the assessee deals in or provides in the course of his business but excluding expenditure covered by items (v) and (vi) below ;

(iv) Other Advertisement, publicity and sales promotion ;

(v) Articles presented or intended for presentation where expenditure on each such article is in excess of fifty rupees.

(vi) Advertisment in any souvenir, brochure, tract, pamphlet or the like published by a political party ;

(vli) Running and maintenance of motor cars in any branch, office or agency maintained outside India, promotion of the sale outside India of goods, services or facilities which the assessee deals in or provides in the course of his business ;

(viii) Other expenditure on running and maintenance of aircraft and motor cars including expenditure on chartering any aircraft or on hire charges for engaging cars plied for hire or on conveyance allowance paid to employees and directors.

Note.—(1) In the case of a person engaged in the business of operation of aircraft, information in respect of expenditure incurred on running and maintenance of such aircraft need not be given.

(2) In the case of person engaged in the business of running motor cars on hire information in respect of expenditure incurred in running and maintenance of such motor cars need not be given.

(ix) Payments to hotels,

(x) Travelling including foreign travel. Indicate separatly the expenditure in excess of the limits laid down in rule 6D of the Income-tax Rules, 1962 and attach a statement showing how such expenditure has been arrived at. Also, attach a list of names of persons in case of foreign travel.

(xi) Maintenance of accommodation in the nature of guest house. Indicate the depreciation in respect of the building used as a guest house, and in respect of the assets in the guest house. Also indicate separatly the amount received from persons using the guest house.

(xii) Entertainment (including the amount of entertainment allowance paid to any employee or other person).

(xiii) Scientific reserach—Indicate separately expenditure of capital nature.

(xiv) Bonus or commission paid to employees. In respect of bonus paid to an employee employed in a factory or other establishment to which the provisions of the Payment of Bonus Act, 1965 apply, indicate whether the bonus paid exceeds the amount of bonus payable under that Act.

(xv) Payments made to clubs.

(xvi) Any proceedings before any income-tax authority or the Appellate Tribnnal or any court relating to the determination of any liability under the Income-tax Act, 1961, in excess of the limit laid down in section 80VV.

6. Where the assessee is a firm, details of payments by way of interest; salary, bonus, commission or remuneration of the partners of the firm.

7. Details of expenditure referred to in section 40A ;

(a) Particulars of all payments made to persons specified in section 40A(2)(b).

(b) Particulars of payments [except in the cases and circumstances specified in clause (a) to (i) of rule 6DD of the Income-tax Rules, 1962] in excess of Rs 2,500 made otherwise than by a crossed cheque or crossed bank draft—section 40A(3).

(c) Particulars of expenditure or allowance in excess of the limits specified in section 40A (5)(c).

(d) Particulars of expenditure incurred by way of fees and salary to an ex-employee in excess of the limit specified in section 40A (6).

(e) Provision for payment of gratuity—section 40(A)(7).

(f) Sums paid by the assessee as an employer which are not allowable under section 40A(9).

8 Any tax, duty or other sum :—

( ) debited to the profit and loss account but not paid during the previous year, or

(ii) paid during the previous year but allowed as a deduction in any earlier year—section 43B.

9. Whether any amount is borrowed on a hundi form, or any amount due thereon (including interest on the amount borrowed) is repaid to, any person otherwise than by cheque ? If so, give details.

10. (a) Particulars of proforma credits/drawbacks refund of duties of customs or excise or both/refund of sales tax where such cradits, drawbacks or refunds are admitted as due by the concerned authorities but are not credited to the profit and loss account.

(b) Particulars of expenditure/income of any earlier year debited/credited to the profit and loss account of the relevant previous year.

(c) Particulars of any liability of a contingent nature debited to the profit and loss account.

11. Particulars of each loan or deposit of Rs. 10,000/- or more taken or accepted by the assessee in the following form :—

(i) Name and address of the lender/depositor.

(ii) Whether amount borrowed on hundi ?

(iii) Whether loan/deposit account was squared up during the year ?

(iv) Maximum amount outstanding at any time during the year.

(v) Whether loan/deposit was taken or accepted in cash ?

(vi) Has any loan or deposit of Rs. 10,000 or more been repaid in cash ?

Note.—The particulars referred to in item 10 need not be furnished in the case of a banking company to which the Banking Regulation Act, 1949 (10 of 1949), applies.

12. Where the assessee has deducted tax at source and paid the amount so deducted to the credit of the Central Government in accordance with the provisions of Chapter XVII-B ? If not, give details.

13. In case of manufacturing concerns :—

(i) full quantitative details of principal items of raw materials and finished products as indicated below :

Raw Materials
(a) Opening stock.
(b) Purchase during the year.
(c) Consumption during the year.
(d) Sales during the year.
(e) Closing stock.
*(f) Yield of finished products.

*(g) Percentage of yield.
*(h) Shortage.

Finished Products
(a) Opening stock.
(b) Purchases during the year.
(c) Quantity manufactured during the year.
(d) Sales during the year.
(e) Closing stock at the end of the year.
*(f) Shortage and percentage thereof.

Note.—*1. Information in regard to these sub-items may be given to the extent available.

2. Separate quantitative details on the above lines should be given in respect of by products if any.

13. In case of a company, give details of :—

(i) Any expenditure which has resulted directly or indirectly in the provision of any remuneration, benefit or amenity to (a) a director ; (b) a person who has a substantial interest in the company ; and (c) a relative of the director or of such person.

(ii) Any expenditure or allowance in respect of assets of the company used wholly or partly for the purposes of benefit of any of the persons referred to in (i) above (State whether any such person is an employee of the assessee or not).

(iii) The amount of interest on deposits not allowable under section 40A(8).

FORM NO. 3CE

[See rule 6G(2) (b)]

STATEMENT OF PARTICULARS IN THE CASE OF A PERSON CARRYING ON PROFESSION

1. Books of account examined.

2. Method of accounting employed, Indicate whether there is any change from the method of accounting employed in the immediatly proceding previous year.

3. Amount of expenditure incurred by the assessee by way of, or on :—

(i) Capital expenditure debited to the profit and loss account/the income and expenditure statement.

(ii) Personal expenses-debited to the profit and loss account/the income and the expenditure statement.

(iii) Running and maintenance of aircraft and motor cars including expenditure on chartering any aircraft or on hire charges for engaging cars plied for hire or on conveyance allowance paid to employees.

(iv) Payments to hotals.

(v) Travelling including foreign travel, indicate the expenditure in excess of the limits laid down in rule 6D of the Income-tax Rule, 1962 and attach a statement showing how such expenditure has been arrlved at, Also attach a list of names of persons in case of foreign travel.

(vi) Entertainment (including the amount of entertainment allowances paid to any employee or other person).

(vii) Any proceedings before any income-tax authority or the Appellate Tribunal or any court relating to the determination of any liability under the Income-tax Act, 1961, in excess of the limit laid down in section 80VV.

(viii) Payment made to club.

4. Where the assessee is a firm, details of payments by way of interest, salary, bonus, commission or remuneration to the partners of the firm.

5 Details of expenditure referred to in section 40A.

(a) Particulars of all payments made to persons specified in section 40A(2)(b).

(b) Particulars of payments [except in the case and circumstances specified in clauses (a) to (i) of rule 6DD of the Income-tax Rules, 1962] in excess of Rs. 2,500 made otherwise than by a crossed cheque or crossed bank draft—section 40A(3).

(c) Particulars of expenditure of allowances in excess of the limits specified in section 40A(5)(c).

(d) Provisions of payment of gratuity-section 40A(7).

(e) Sums paid by the assessee as an employer which are not allowable under section 40A(9).

6. Any tax, duty or other sum :—

(i) debited to the profit and loss account/the income and expenditure statement but not paid during the previous year, or

(ii) paid during the previous year but allowed as a deduction in any earlier year—section 43B.

Published in the *Gazette of India, (Ext)*, Part II. Section 3(ii), No. 98, dated February 26, 1985.

MINISTRY OF FINANCE

S. O. 165(E).—*(New Delhi, the 22nd February, 1985)*.—In exercise of the powers conferred by sub-section (1) of section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby makes the following Order further to amend the Capital Issues (Exemption) Order, 1969, namely :—

"1. This Order may be called **the Capital Issues (Exemption) Amendment Order, 1985.**

2. In the Capital Issues (Exemption) Order, 1969—

(a) in the proviso to clause 3, for the words "fifty lakhs of rupees" the words "one crore of rupees" shall be substituted.

(b) in clause 4, for the words "fifty lakhs of rupees" wherever they occur, the words "one crore of rupees" shall be substituted ; and

(c) in clause 5, in the opening paragraph for the words "fifty lakhs of rupees" the words "one crore of rupees" shall be substituted.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(ii), No. 61, dated February 4, 1985.

MINISTRY OF FINANCE

S. O. 91(E).—*(New Delhi, the 4th February, 1985)*.—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, nrmely :—

1. (1) These rules may be called **the Income-tax (Second Amnndment) Rules, 1985.**

(2) They shall come into force on the 1st day April, 1985.

(t) the form in which, and the time within which, a separate budget for wakfs under the direct management of the Board shall be prepared as required by section 31A ;

(u) the intervals at which accounts of a wakfs may be audited in pursuance of the provisions of sub-section (1) of section 33 ;

(v) the time within which the sale of any property is to be confirmed under the first proviso to sub-section (2) of section 36A, and the manner in which the approval given under sub-section (3) of that section shall be published ;

(w) the manner of service of notice issued under sub-section (1) of section 36D and the manner in which any inquiry is to be made under sub-section (3) of that section ;

(x) the other matters which may be specified in the report submitted under sub-section (3) of section 43A ;

(y) manner of publication of order made under sub-section (2) of section 43C.

(z) the manner in which consultation may be made with a mutawalli under sub-section (1) of section 43F ;

(za) manner of publication of order made under sub-section (2) of section 43F ;

(zb) the rate at which contribution is to be made by a mutawalli under section 46 ;

(zc) time within which application is to be made to the Tribunal under sub-section (2) of section 55 for the determination of any dispute, question or other matter relating to a wakf or wakf property ;

(zd) the procedure which a Tribunal shall follow under sub-section (6) of section 55 ;

(ze) the form in which an annual report is to be submitted under section 63A and the matters which such report shall contain ;

(zf) rules regulating the conduct of business by, and affairs of, the common Board under clause (c) of sub-section (3) of section 66F ;

(zg) any other matter which is required to be, or may be prescribed."

67. *Insertion of new section 67A.*—After section 67 of the principal Act, the following section shall be inserted, namely : —

"67A. *Rules made by the Central Government to be laid before Parliament.*—Every rule made by the Central Government under section 66F shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

68. *Amendment of section 69.*—In section 69 of the principal Act, in sub-section (1), after clause (3), the following clause shall be inserted, namely :—

"(3A) On and from the commencement of the Wakf (Amendment) Act, 1984, sections 92 and 93 of the Code of Civil Procedure, 1908 (5 of 1908)."

THE INDUSTRIAL RECONSTRUCTION BANK OF INDIA ACT, 1984

The following Act of the Parliament received the assent of the President on the 11th September, 1984 and was published in the *Gazette of India*, (*Ext.*), Part II, Section 1, No 76, dated September 11, 1984.

INDIAN PARLIAMENT ACT NO. 62 OF 1984

[*11th September, 1984.*]

An Act to provide for establishment of the Industrial Reconstruction Bank of India, and for the transfer to, and vesting in, the said Reconstruction Bank, of the undertaking of the Corporation known as the Industrial Reconstruction Corporation of India, Limited, with a view to enabling the said Reconstruction Bank to function as the principal credit and reconstruction agency for Industrial revival and to coordinate similar work of the other institutions engaged therein and to asist and promote industrial development, and to rehabilitate industrial concerns, and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India, as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement*.—(1) This Act may be called **the Industrial Reconstruction Bank of India Act**, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day", in relation to any provision of this Act, means the date on which such provision comes into force and any reference to the appointed day in any provision of this Act shall be construed as a reference to the commencement of that provision ;

(b) "assistance" means any direct or indirect financial, managerial or technical assistance granted by the Reconstruction Bank in pursuance of any business referred to in section 18 ;

(c) "assisted industrial concern" means any industrial concern to which any assistance has been given by the Reconstruction Bank ;

(d) "Board" means the Board of directors of the Reconstruction Bank ;

(e) "charge" includes a charge referred to in section 37 ;

(f) "Corporation" means the Industrial Reconstruction Corporation of India Limited, a company formed and registered under the Companies Act, 1956 (1 of 1956), and having its registered office in the State of West Bengal ;

(g) "Development Bank" means the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964 (18 of 1964) ;

(h) "dues" means any dues payable by any person to the Reconstruction Bank in relation to any assistance given by, or any bond or debenture issued to, the Reconstruction Bank, and includes interest, rent, costs charges and commission payable in relation thereto ;

(i) "industrial concern"—

(1) means any concern engaged, or to be engaged, in—

(i) the manufacture, preservation or processing of goods ;

(ii) shipping ;

(iii) mining ;

(iv) the hotel industry ;

(v) the transport of passangers or goods by road or by water or by air or by ropeway or by lift ;

(vi) the generation or distribution of electricity or any other form of power ;

(vii) the maintenance, repair, testing or servicing of machinary of any description or vehicles or vessels or motor boats or trailers or tractors ;

(viii) assembling, repairing or packing any article with the aid of machinery or power ;

(ix) the development of any contiguous area of land as an industrial estate ;

(x) fishing or providing shore facilities for fishing or maintenance thereof ;

(xi) providing special or technical knowledge or other services for the promotion of industrial growth ; or

(xii) the research and development of any process or product in relation to any of the matters aforesaid,

(2) and includes—

(i) an undertaking owned, controlled or managed by a company firm or other body corporate, which is, or is to be, so engaged,

(ii) such other concern as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Explanation.—The expression "processing of goods" includes any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation ;

(j) "nationalised bank" means a corresponding new bank as defined in section 2 of the—

(i) Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) ;

(ii) Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) ;

(k) "prescribed" means prescribed by rules made under this Act ;

(l) "public financial institution" means a public financial institution specified in, or under section 4A of the Companies Act, 1956 (1 of 1956) ;

(m) "Reconstruction Bank" means the Industrial Reconstruction Bank of India, established under section 3 ;

(n) "regulation" means a regulation made under this Act ;

(o) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934) ;

(p) "share" means a share in the capital of the Corporation ;

(q) "share-holder" means a person registered by the Corporation as the holder of a share ;

(r) "scheduled bank" means a bank for the time being included in the Second Scheduled to the Reserve Bank of India Act, 1934 (2 of 1934) ;

(s) "State Bank" means the State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955) ;

(t) "State co-operative bank" the principal co-operative society in a State, the primary object of which is the financing of other co-operative societies in the State ;

(u) "State Financial Cooporation" means a financial corporation established under section 3 or section 3A or an institution notified under section 46, the State Financial Corporations Act, 1951 (43 of 1951) ;

(v) "State level agency" means such institution or agency, operating in any State or Union territory, as may be specified as its agency by the Reconstruction Bank.

CHAPTER II

Establishment of the Industrial Reconstruction Bank of India

3. *Establishment of the Reconstruction Bank.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established, for the purposes of this Act, a corporation, to be known as the Industrial Reconstruction Bank of India ;

(2) The Reconstruction Bank shall be a body corporate with the name aforesaid, having prepetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may, by that name, sue and be sued.

(3) The head office of the Reconstruction Bank shall be at Calcutta, and the Reconstruction Bank may establish offices, branches and agencies at any other place, whether in, or outside, India..

4. *Authorised capital.*—(1) The authorised capital of the Reconstruction Bank shall be rupeees two hundred crores.

(2) The initial paid-up capital of the Reconstruction Bank shall be rupees fifty crores which shall be obtained,—

(a) by the appropriation, out of the assets of the Corporation which stand transferred to the Reconstruction Bank by virtue of the provisions of section 5, of a sum of rupees twenty crores, being an amount equal to the amount paid-up on the shares of the Corporation ;

(b) by the conversion, to the extent of rupees twenty crores, of the loans granted by the Central Government to the Corporation into the capital of the Reconstrucion Bank ; and

(c) by the subscription, by the Central Government, to the paid-up capital of the Reconstruction Bank, of a sum of rupees ten crores.

(3) The Reconstruction Bank may increase its paid-up capital by making further issue of shares of such amount as it may think expedient, but in doing so, the Reconstruction Bank shall ensure that its total capital does not, in any case, exceed its authorised capital.

(4) The entire paid up-capital of the Reconstruction Bank shall be wholly subscribed by, and allotted to, the Central Government.

CHAPTER III

Acquisition and Transfer of the Undertaking of the Industrial Reconstruction Corporation of India Limited

5. *Undertaking of the Corporation to be transferred to the Reconstruction Bank.*—(1) On such date as the Central Government may, by notification, in the Official Gazette, appoint, the undertaking of the Corporation shall stand transferred to, and shall vest in the Reconstruction Bank.

(2) For the transfer to, and vesting in, the Reconstruction Bank of

the undertaking of the Corporation, the Corporation shall be given, in cash, by the Central Government an amount equal to the amount of the total paid-up capital of the Corporation.

(3) The undertaking of the Corporation shall be deemed to include all assets, business, rights, powers, authorities and privileges and all property, moveable and immovable, cash balances, reserve funds, investments, book-debts and all other rights and interests in, or arising out of, such property as were, immediately before the appointed day, in the ownership, possession, power or control of the Corporation whether within or outside India, and all books of account, registers, records, and all other documents of whatever nature relating thereto, and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the Carporation in relation to its undertaking.

(4) Unless otherwise expressly provided by this Act, all contracts deeds, bonds, agreements, power of attorney, grants of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which the Corporation is a party or which are in favour of the Corporation, shall be of as full force and effect against or in favour of the Reconstruction Bank, and may be enforced or acted upon as fully and effectually as if, in the place of the Corporation, the Reconstruction Bank had been a party thereto or as if they had been issued in favour of the Reconstruction Bank.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to the business of the undertaking which has been transferred under this section, is pending by, in any way, prejudicially affected by reason of the transfer of the undertaking of the Corporation or of anything contained in this Act, and the suit, appeal or other proceeding may be continued, prosecuted and enforced by, or against, the Reconstruction Bank.

6. *Power of Central Government to authorise a person to take over the management of the Corporation.*—(1) The Central Government may appoint, on or after the appointed day, a suitable person to take over the management of the Corporation for the purpose of winding up of the Corporation and where any person is so appointed, it shall be the duty of such person to bring the operations of the Corporation to a close, realise the amounts payable to the Corporation under sub-section (2) of section 5, and distribute the said amount to the shareholders in accordance with their rights and interests, and after such realisation and distribution to obtain the order of the Central Government for the dissolution of the Corporation.

(2) For the purposes of sub-section (1), the person appointed that under sub-section shall have such power of duties of the Official Liquidator under the Companies Act, 1956 (1 of 1956), as are necessary to give effect to the provisions of sub-section (1) as if the Corporation were being wound up by the Court, and, for this purpose the provisions of the Companies Act, 1956 shall apply, subject to the notification that for the word "Court", wherever it occurs, the words "Central Government" shall be substituted.

(3) Where any person is appointed by the Central Government under sub-section (1) to take over the management of the Corporation,—

(a) the provisions of the Companies Act, 1956 (1 of 1956), or of any other law for the time being in force, or any instrument having effect by virtue of any Act, or other law, shall, in so far as they are inconsistent with the provisions of this Act, cease to apply to, or in relation to, or in relation to, the Corporation ;

(b) all persons holding office as Chairman and Managing Director and other directors, of the Corporation, immediately before the appointment of the per on under sub-section (1), shall be deemed to have vacated their offices as such.

(4) Notwithstanding anything contained in this Act or in any other law for the time being inforce or in any agreement or contract, any person holding, immediately before the appointed day, office as the Chairman or director of the Corporation, who vacates his office as such on the appointed day by reason of the provisions of sub-section (3), shall not be entitled to any compensation for the loss of office or for the premature termination of any agreement or contract relating to his employment, except such compansation or other benefit which the Reconstruction Bank may to grant to him, having regard to what that person would have received as an officer of the Corporation if this Act had not been passed and if he had retired from his employment in the ordinary course.

7. *Transfer of the services of the officers and other employees of Corporation to the Reconstruction Bank.*—(1) Save as otherwise provided in sub-section (3) of section 6, every officer or other employee of the Corporation shall become, on and from the appointed day, an officer or other employee, as the case may be, of the Reconstruction Bank and shall hold his office or service in that bank on the same terms and conditions and with the same rights to gratuity and other matters as would have been admissible to him, if the undertaking of the Corporation had not been transferred to, and vested in, the Reconstruction Bank, and to do so unless and until his employment in the Reconstruction Bank is duly terminated or until his remuneration, terms and condititions are duly altered by the Reconstruction Bank :

Provided that an officer or other employee who does not intend to continue as an employee of the Reconstruction Bank may, within ninety days from the appointed day, serve a notice of his intention to the Reconstruction Bank, and, on expiry of the period of thirty days from the date of service of notice, he shall cease to be an employee of the Reconstruction Bank, and, on such cessor, superannuation and other benefits due to him under the terms of his employment shall be paid to him forthwith by the Reconstruction Bank as if he has retired from service.

(2) Any person who, on the appointed day, is entitled to, or is in receipt of, any superannuation or compassionate allowance or benefit from the Corporation or any provident or other fund or any authority administering such fund shall be entitled to be paid by, and to recieve from, the Reconstruction Bank or any provident or other fund or any authority administering such fund, the same allowance or benefit so long as he observes the conditions on which allowance or benefit was granted, and, if any question arises whether he has so observed such conditions, the question shall be determined by the Central Government and the decision of the Central Government thereon shall be final.

(3) Where, under the terms of any contract of service or otherwise, any person whose service becomes transferred to the Reconstruction Bank by reason of the provisions of this Act is entitled to any payment by way

of gratuity or retirement benefit or compensation for any leave not availed of, or any other benefits, such person may enforce his claim against the Reconstruction Bank.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), no application made or promotion, increment in salary, allowance or any other benefit granted to any person, before the appointed day, which would not ordinarily have been admissible under the rules or authorisation of the Corporation, or of any provident or other fund in force prior to the appointed day, shall have effect or be payable or claimable from the Reconstruction Bank or from any provident or other fund or from an authority administering such fund, unless the Central Government has, by general or special order, confirmed the appointment, promotion or increment or has directed the continued grant of such allowance or other benefit, as the may be.

(5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Corporation to the Reconstruction Bank shall not entitle such officer or other employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority.

(6) Where any person, Chairman, or other director, by whatever name called, or other employee of the Corporation has, before the appointed day, been paid a sum by way of compensation or gratuity, the Reconstruction Bank shall be entitled to claim refund of any sum so paid, if the payment is not confirmed by the Central Government by general or special order.

(7) Where one or more provident funds have been established, or maintained, by the Corporation or any other authority, for the benefit of its officers and other employees, the money debitable to the officers and other employees whose services have become transferred, by, or under this Act to the Reconstructions Bank, shall out of the monies standing on the appointed day to the credit of such provident fund, stand sransferred to, and vested in, the provident fund established by the Reconstruction Bank under section 62.

(8) Where superannuation, welfare and other funds have been established by the Corporation for the benefit of its officers or other employees whose services stand transferred to the Reconstruction Bank, the amount standing to the credit of such fund shall stand transferred, on the appointed day, to the Reconstruction Bank for distribution to the concerned officers or other employees in accordance with their rights and obligations.

8. *Dissolution of the Corporation.*—(1) As soon as realisation and distribution of the amount have been made under section 6, the person appointed under sub-section (1) of that section shall submit his duly audited accounts to the Central Government and shall apply to that Government for orders as to the dissolution of the Corporation.

(2) The Central Government shall, aftor hearing such person as it may think fit, and upon perusing the accounts so audited, if satisfied that the amount has been realised and distributed in accordance with the provisions of this Act, make an order that the Corporation is dissolved from the date of the order and the Corporation shall stand dissolved accordingly.

(3) A copy of the order made by the Central Government for the dissolution of the Corporation shall be filed by the Reconstruction Bank with the Registrar of Companies within thirty days from the date of such order, and the Registrar of Companies shall give effect to the said order as if it were an order made by the Court for the dissolution of the Corporation.

(4) The provisions of this section shall have effect, notwithstanding anything to the contrary contained in the Companies Act, 1956 (1 of 1956), or in any other law for the time being in force.

CHAPTER IV

MANAGEMEMENT OF THE RECONSTRUCTION BANK

9. *Management.*—(1) The general superintendence, direction and management of the affairs and business of the Reconstruction Bank shall vest in a Board of directors which may exercise all powers and do all acts and things which may be exercised or done by the Reconstruction Bank.

(2) Save as otherwise provided in the regulation made under this Act, the Chairman shall also have powers of general superintendance, direction and management of the affairs and business of Reconstruction Bank and may also exercise all powers and do all acts and things which may be exercised or done by the Reconstruction Bank.

(3) Subject to the provisions of this Act, the Board, in discharging its functions, shall act on business principles with due regard to public interest.

(4) n the discharge of its function under this Act, the Reconstruction Bank shall be guided by such directions in matters of policy involving public interest as the Central Government may give to it in writing, and if any disputes arises as to whether a question of such policy, the diuspute shall be decided by the Central Government whose decision thereon shall be final.

10. *Board of directors.*—(1) The Board shall consist of the following, namely ;—

(a) Ia Chairman. to be appointed by the Central Government, who shall function both as the Chairman and as the managing director ;

(b) a Deputy Governor of the Reserve Bank, to be nominated by that Bank.

(c) a director, to be nominated by the Development Bank ;

(d) not more than fifteen directors to be nominated by the Central Government, of whom—

(i) three shall be officials of the Central Government,

(ii) not more than three shall be from the public financial institutions,

(iii) not more than five shall be from the State Bank, nationalised banks and the State financial Corporations,

(iv) not more than four shall be from among persons who have, in the opinion of the Central Government, special knowledge of, and professional experience in, science, technology, economics, industry, industrial co-operatives, law, industrial finance, investment, accountancy, marketing or any other matter the special knowledge of, or professional experience in, wnich would, in the opinion of the Central Government, be useful to the Reconstruction Bank.

(2) A director nominated under sub-section (1) shall hold office during the pleasure of the authority nominating him.

11. *Disqualifications of membership of the Board.*—No person shall be qualified to be a member of the Board if—

(a) he has been removed or dismissed from service of—

(i) Government, or

(ii) Reserve Bank, State Bank or any other Bank, or

(iii) any public financial institution or State financial corporation, or

(iv) any other corporation owned or controlled by Government on a charge of corruption or bribery; or

(b) he is, or at any time has been, adjudicated an insolvent or has suspended payment of his debts or has compounded with his creditors; or

(c) he is a lunatic and stands so declared by a competent court; or

(d) he is or has been convicted of any offence, which, in the opinion of the Central Government, involves moral turpitude.

12. *Term of office, salaries and allowances of Chairman.*—The Chairman shall hold office for such term not exceeding five years as the Central Government may specify in this behalf and any person so appointed shall be eligible for re-appointment for a like term.

(2) Notwithstanding anything contained in sub-section (1),—

(a) the Central Government shall have the right to terminate the term of office of the Chairman at any time before the expiry of the term specified under sub-section (1) by giving him notice of not less than three months' in writing or three months' salary and allowance in lieu of such notice; and the Chairman shall also have the right to relinquish his office at any time before the expiry of the term specified under sub-section (1) by giving to the Central Government notice of not less than three months in writing;

(b) the Central Government may, at any time, remove the Chairman from office;

Provided that no person shall be removed from his office under this clause, unless he has been given a reasonable opportunity of showing cause against his removal.

(3) Where any vacancy occurs in the office of the Chairman, the Central Government shall appoint a suitable person to discharge the function of the Chairman.

(4) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint a suitable person to function as the Chairman until the day on which the Chairman resumes the charge of his functions.

(5) The Chairman shall be a whole-time officer of a Reconstuction Bank and shall receive such salaries, allowance and other benefits, and shall be subject to such other terms and conditions, as may be determined by the Central Government:

Provided that the Board may, if it is of opinion, that it is necessary in the public interest so to do, permit the Chairman to undertake, at the request of the Central Government or the Reserve Bank, such part-time honorary work as is not likely to interfere with his duties as Chairman.

13. *Disclosure of interest.*—No member of the Board shall have an in-

terest, direct or inderect, in any business, industry or concern to which any assistance has been given or is to be given by the Reconstruction Bank under this Act and if any such member acquires such interest at any time during the continuance of such assistance, he shall immediatly disclose it to the Board and shall either resign his membership of the Board or dispose of his interest in such manner and within such time as the Board may direct.

14. *Meetings of the Board.*—(1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be provided for in the regulations.

(2) If, for any reason, the Chairman is unable to attend any meeting of the Board, any other director nominated by the Chairman in this behalf, and in the absence of such nomination, any director elected by the directors present, from amongst themselves, shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairman, or, in his absence, the person presiding, shall have a second or casting vote.

(4) Save as otherwise provided under sub-section (3), every director of the Board shall have one vote.

15. *Executive Committee and other committees.*—(1) The Board may constitute an Executive Committee consisting of such number of directors as may be provided for in the regulations.

(2) The Executive Committee shall discharge such functions as may be provided for in the regulations, or, as may be delegated to it, by the Board.

(3) The Board may constitute such other committees, whether consisting only of directors or only of other persons or partly of directors and partly of other persons, for such purpose or purposes, as it may think fit.

(4) The Executive Committee or any other committee constituted under the section shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided for in the regulations.

16. *Assistance of vacancy in or defect in the constitution of the Board or defect or disqualification of a member not to invalidate the proceedings of the Board.*—(1) No act or proceeding of the Board or of any Executive or other committee constituted by it shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, such Board or committee, as the case may be.

(2) All acts done by a person acting in good faith as a member of the Board or of any committee constituted by it shall be valid, notwithstanding that it may afterwards be discovered that his appointment was invalid by reason of any defect or disqualification or had terminated by virtue of any provision of this Act or any other law for the time being force :

Provided that nothing in this section shall be deemed to give validity to any act of a member of the Board of any committee after his appointment has been shown to the Reconstruction Bank to be invalid or to have terminated,

17. *Fees and allowances of directors and members of committees.*—The directors and members of the committee shall be paid such fees and allowance as may be provided for in the regulations for attending the meetings of the Board or of any committee constituted in pursuance of this Act or for attending to any other work of the Reconstruction Bank :

Provided that no fees shall be payable to the Chairman or to any other director or member who is an official of the Government, or, to a Deputy Governor of the Reserve Bank or to any official of the Development Bank or Reconstruction Bank.

CHAPTER V

Objects of, and business to be transacted by, the Reconstruction Bank

18. *Objects and business of the Reconstruction Bank.*—(1) The Reconstruction Bank shall function as the principal credit and reconstruction agency for industrial revival by undertaking modernisation, expension, reorganisation, diversification or rationalisation of industries, and by co-ordinating similar work of other institutions engaged therin, and shall assist and promote industrial development, reconstruction and revival, and undertake rehabilitation of industrial concerns, by providing or procuring assistance and operating schemes for the same, and may for attaining the said objects, carry on and transact all or any of the following businesses, namely :—

(a) granting loans and advances (including working capital) to any indastrial concern or subsoribing to or purchasing or under-writing the issue of stocks, shares, bonds, or debentures of any industrial concern or converting the dues in respect of such loans or debentures into the shares of any industrial concern ;

(b) guaranteeing, counter-guaranteeing or providing indemnity as the case may be, in respect of—

(i) loans raised by an industrinl concern from any scheduled bank or State co-operative bank or any public financial institution or any other prescribed institution or agency in, or outside, India ;

(ii) deferred payments due from an Industrial concern ;

(iii) the performance obligations of any contract under-taken by an industrial concern, including repayment of any advance obtained by such industrial concern in connection with such contract ;

(c) subscribing to or purchasing or underwriting the issue of stocks shares, bonds or debentures of any intitution which may be notified by the Central Government in this behalf ;

(d) providing credit to any State level agency or other prescribed institution or agency for grant of loans and advances to industrial concerns ;

(e) providing or obtaining credit from other public financial institutions scheduled bank and State co-operative banks, for grant of loans and advances to or to furnish guarantees on behalf of the industrial concern ;

(f) providing infrastructural facilities and raw materials ;

(g) providing mechinery and other equipment on lease or hire-purchase basis ;

(h) providing consultancy and merchant banking services in and outside of India relating to reconstruetion and development of any industrial concern or industry in general ;

(i) accepting or discounting of balls of exchange and promissory notes, made, drawn, accepted, or endorsed by any industrial concern or by any person selling capital goods manufactured by one industrial concern to another industrial concern ;

(j) promoting, owning, taking over, managing industrial concerns and acting as authorised person, where so appointed by the Central Government, to manage an industrial concern, including ancillaries ;

(k) transferring or acquiring for consideration any instrument relating to loans and advances ;

(l) providing technical, legal, administrative and marketing aasistance, promoting, assisting and financing mergers, amalgamation or reconstruction of an industrial or business concern ;

(m) providing managerial assistance to industrial concerns including nationalised undertakings by deputing officers from its own cardre or a separate management pool constituted for the purpose ;

(n) undertaking research ard surveys for evaluating or dealing with marketing or investments, carrying on techno-economic studies in connection with reconstruction and development of industry and establishment of institutes for such purposes including training of personnal ;

(o) granting, opening, issuing, confirming or endorsing letters of credit and negotiating or collecting bills and other documents drawn thereunder ;

(p) forming or controlling, of subsidiaries for carrying out any of his functions or to carry on such other activities conductive to its business ;

(q) acting as an agent of—

(i) Central Government or State Government ;

(ii) Reserve Bank, State Bank, scheduled bank, State co-operative bank, public financial institutions, State Financial Corporations ;

(iii) such other Government or person as the Central Government may authorise ;

and to appoint one or more of these institutions, or agencies, or any other prescribed person, as its agent ;

(r) performing functions entrusted to or required of it by Central Government under this Act or any other law ;

(s) doing any kind of business or assignment in or outside the country which the Central Government may authorise ;

(t) collecting information from all concerned agencies relating to industrial sickness and industrial development ;

(u) preparing guidelines to assist the Central Government in formulating policy framework to reconstruct, receive or rehabilitate industrial concerns or any industry ;

(v) granting loans for housing and other purposes to the officers and other employees (including persons employed or contract) of the Reconstruction Bank ;

(w) generally doing such other acts and things as may be incidental to or consequential upon the exercise of its powers or of its duties under this Act or any other law, including sale or transfer of any of its assets.

(2) The Reconstruction Bank may recieve in consideration of any of the services mentioned in sub-section (1), such commission brokerage, interest, rent, remuneration or fees, as may be agreed upon.

(3) The Reconstruction Bank shall not grant any loan or advance or other assistance on the security of its own bonds or debentures.

19. *Prohibited business.*—(1) The Reconstruction Bank shall not enter into any kind of business with any industrial concern, of which any of the directors of the Reconstruction Bank is a proprietor, partner, director, manager, agent, employee or guarantor, or in which one or more director of the Reconstruction Bank together hold substantial interest:

Provided that this sub-section shall not apply to any industrial concern if any director of the Reconstruction Bank—

(i) is nominated as a director of the Board of such concern by Government, or a Government company, or by the Reconstruction Bank or by a corporation established by any other law, or

(ii) is elected as a director on the Board of such industrial concern by virtue of shares held in that industrial concern by Government, or a Government company, or by the Reconstruction Bank or by a corporation established by any other law,

by reason only of such nomination or election, as the case may be.

Explanation I.—"Government company" has the meaning assigned to it in section 617 of the Companies Act, 1956 (1 of 1956).

Explanation II.—"Substantial interest" in relation to any industrial concern means the beneficial interest held by one or more of the directors of the Reconstruction Bank or by any relative [as defined in clause (41) of section 2 of the Companies Act, 1956 (1 of 1956)] of such director whether singly or taken together, in the shares of the industrial concern, the aggregate amount paid-up on which either exceeds five lakhs of rupees or five per cent of the paid-up share capital of the industrial concern, whichever is the lesser.

(2) The provisions of sub-section (1)—

(i) shall not apply to any industrial concern as specified therein if the Reconstruction Bank is satisfied that it is necessary in the public interest to enter into business with that concern, and entering into any kind of business with such industrial concern shall be in accordance with and subject to such conditions and limitations as may be provided for in the regulations;

(ii) shall apply only so long as the conditions precedent to such disability as set out in the said sub-section continue.

20. *Loans by Central Government.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, advance to the Reconstruction Bank interest free loans or loans with interest on such terms and conditions, as may be agreed upon.

21. *Borrowing and acceptance of deposits by the Reconstruction Bank.*—(1) The Reconstruction Bank may, for the purpose of carrying out its functions under this Act—

(a) issue and sell bonds and debentures with or without guarantee of the Central Government;

(b) borrow money from the Reserve Bank—

(i) repayable on demand or on the expiry of fixed periods, not exceeding ninety days from the date on which the money is so borrowed against the security of stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India;

(ii) against bills of exchange or promissory notes arising out of *bona fide* commercial or trade transactions, bearing two or more good signatures and maturing within five years from the date of borrowing ;

(iii) for any other purpose approved by the Central Government in accordance with the provisions of the Reserve Bank of India Act, 1934 (2 of 1934) ;

(c) borrow money from such other authority, organisation, institution or trust in India as may be generally or specially approved by the Central Government ;

(d) accept deposits repayable after the expiry of a period which shall not be less than twelve months from the date of making of the deposit on such terms as may be generally or specially approved by the Reserve Bank.

(2) The Central Government may, on a request being made to it by the Reconstruction Bank, guarantee the bonds and debentures issued by that Bank as to the repayment of principal and the payment of interest at such rate as may be fixed by the Government.

(3) Notwithstanding anything contained in any other law for the time being in force, the bonds and debentures issued or sold by the Reconstruction Bank shall be approved securities for the purposes of the Indian Trusts Act, 1882 (2 of 1882), the Insurance Act, 1938 (4 of 1938) and the Banking Regulation Act, 1949 (10 of 1949).

22. *Powers to transfer rights.*—The rights and interest of the Reconstruction Bank (including any other rights incidental thereto) in relation to any loan or advance granted, or any amount recoverable, by it may be transferred by the Reconstruction Bank, either in whole or in part, by the execution or issue of any instrument, or by the transfer of any instrument by endorsement, or in any other manner in which the rights and interests in relation to such loan or advance may be lawfully transferred and the Reconstruction Bank may, notwithstanding such transfer, act as the trustee of the transferee.

23. *Loans in foreign currency.*—*(1)* Notwithstanding anything contained in the Foreign Exchange Regulation Act, 1973 (36 of 1973), or in any other enactment for the time being in force relating to foreign exchange, the Reconstruction Bank may, for the purpose of granting loans and advances under this Act, borrow, with the previous consent of the Central Government, foreign currency from any bank or financial institution in any foreign country or as otherwise prescribed.

(2) The Central Government may, where necessary, guarantee any loan taken by the Reconstruction Bank under sub-section (1) or any part thereof, as to the repayment of principal and payment of interest and other incidental charges.

(3) All loans and advances granted by the Reconstruction Bank out of foreign currency borrowed under sub-section (1) shall be expressed in terms of foreign currency as equivalent of Indian currency, calculated in accordance with the rate of exchange prevailing in India at the time of grant thereof,and the amount due thereunder shall be repayable in equivalent Indian currency, calculated in accordance with the rate of exchange prevailing in India at the time of repayment of such loan or advance.

(4) Any loss or profit in connection with any borrowing of foreign

currency under sub-section (1), for the purpose of granting loans and advances under this Act, or with its repayment to the concerned foreign lending agency, on account of any fluctuations in the rate of exchange accruing.—

(*a*) during the period within which the loan or advance is repayable by the industrial concern or the period of actual repayment thereof by the concern, whichever is longer, shall be reimbursed by, or paid to, as the case may be, the recipients of such loans and advances ;

(*b*) after the expiry of the period specified in clause (*a*),—

(*i*) shall be borne by the Reconstruction Bank in respect of normal market fluctuations in foreign exchange ;

(*ii*) shall be reimbursed by, or paid to, as the case may be, the Central Government in respect of fluctuations other than the normal market fluctuations in foreign exchange.

Explanation.—If any question arises as to whether any fluctuation as aforesaid is a normal fluctuation or not, the same shall be decided by the Central Government whose decision thereon shall be final.

24. *Grants, donations, etc., to the Reconstruction Bank.*—The Reconstruction Bank may receive gifts, grants, donations or benefactions from Government or any other source.

CHAPTER VI

RECONSTRUCTION ASSISTANCE FUND

25. *Reconstruction Assistance Fund.*—With effect from the appointed day, the Reconstruction Bank shall establish a special fund to be called the Reconstruction Assistance Fund.

26. *Credits to the Reconstruction Assistance Fund.*—To the Reconstruction Fund shall be credited—

(*a*) all amounts received for the purposes of that Fund by way of loans, gifts, grants, donations or benefactions from Government or any other source ;

(*b*) repayments or recoveries in respect of loans, advances or other facilities granted from the Fund ;

(*c*) income or profits from investments made from the Fund ; and

(*d*) income accruing or arising to the Fund by way of interest or otherwise, on account of the application of the Fund in accordance with the provisions of section 27.

27. *Utilisation of Reconstruction Assistance Fund.*—(1) Where the Reconstruction Bank considers it necessary or desirable so to do, it may, subject to the provisions of sub-sections (3) and (4), disburse or spend from the Reconstruction Assistance Fund any amount on account, or in consequence, of the grant of any loan or advance or on account, or in consequence, of entering into any arrangement, under section 18 :

Provided that before granting any such loan or advance to an industrial concern or entering into any such arrangement with or in relation to an industrial concern the Reconstruction Bank shall obtain the prior approval of the Central Government.

(2) Where the Reconstruction Bank considers it necessary or desirable so to do, it may, subject to the provisions of sub-sections (3) and (4) disburse or spend from the Reconstructions Assistance Fund any amount for one or more of the purposes specified in section 18.

(3) Before seeking the approval of the Central Government under sub-section (1), the Reconstruction Bank shall satisfy itself that the banking or other financial instutions, or other agencies are not likely to grant such loan or advance to the industrial concern or to enter into any such arrangement with or in relation to the industrial concern in the ordinary course of business.

(4) The Central Government shall, before giving its approval, satisfy itself that such loan, advance or arrangement is necessary as a matter of priority in the interests of industrial reconstruction, revival, rehabilitation or development.

(5) For the removal of doubts, it is hereby declared that nothing contained in this section shall be deemed to preclude the Reconstruction Bank from granting any loan or advance or from entering into any arrangement under clause (a) or under clause (b) of sub-section (1) of section 18, without the approval of the Central Goverment, if no amount in respect thereof is to be disbursed or spent from the Reconstruction Assistance Fund.

28. *Debits to Reconstruction Assistance Fund.*—(1) To the Reconstruction Assistance Fund shall be debited—

(a) such amounts as may from time to time be disbursed or spent under section 27 ;

(b) such amounts as may be required for discharging the liabilities in respect of loans received for the purposes of that Fund ;

(c) any loss arising on account of investment made out of that Fund ; and

(d) such expenditure arising out of, or in connection with, the administration and application of the Fund as may be determined by the Board.

(2) No amount shall be debited to the Reconstruction Assistance Fund except as provided for in sub-section (1).

29. *Accounts and audit of Reconstruction Assistance Fund.*—(1) The balance-sheet and accounts of the Reconstruction Assistance Fund shall be prepared in such form and manner as may be provided for in the regulations.

(2) The Board shall cause the books and accounts of the Fund to be closed and balanced as on the 30th day of June each year.

(3) The Reconstruction Assistance Fund shall be audited by one or more auditors appointed by the Central Gevernment under section 34, who shall make a separate report thereon.

(4) The provisions of sub-sections (2), (3), (4) and (6) of section 34 shall, so far as may be, apply in relation to the audit of the Reconstruction Assistance Fund, as they apply to the audit of the accounts of the Reconstruction Bank.

(5) The Reconstruction Bank shall furnish to the Central Government, within four months from the date on which the accounts of the Fund are closed and balanced, a copy of the balance-sheet and accounts together with a copy of the auditors' report and a copy of the report on the operation of the Fund during the relevant year and the Central Covernment shall, as soon as may be after they are received by it, cause the same to be laid before each House of Parliament.

30. *Liquidation of Reconstruction Assistance Fund.*—The Reconstruction Assistant Fund shall not be closed or wound up save by the order of the Central Government and in such manner as that Government may direct.

CHAPTER VII

General Fund, accounts and audit

31 *General Fund.*—All receipts of the Reconstruction Bank other than those which are to be credited to the Reconstruction Assistance Fund under this Act shall be credited to a Fund to be called the General Fund and all payments by the Reconstruction Bank, other than those which are to be debited to the Reconstruction Assistance Fund, shall be made out of the General Fund.

32. *Preparation of accounts and balance-sheet.*—(1) The balance sheet and accounts of the Reconstruction Bank shall be prepared in such form and manner as may be provided for in the regulations.

(2) The Board shall cause the books and accounts of the Reconstruction Bank to be closed and balanced as on the 30th day of June each year.

33 *Disposal of profits accruing to General Fund.*—(1) Reconstruction Bank may establish a reserve fund to which may be transferred such sums as that Bank may deem fit out of the annual profits accruing to the General Fund.

(2) After making provisions for bad and doubtful debts, depreciation of assets and for all other matters for which provisions is necessary or expedient or which is usually provided for by bankers and for the reserve fund referred to in sub-section (1), the Reconstruction Bank shall transfer the balance of the net profits to the Central Government.

34. *Audit.*—(1) The accounts of the Reconstruction Bank shall be audited by auditors duly qualified to act as auditors under sub-section (1) of section 226 of the Companies Act, 1956 (1 of 1956) who shall be appointed by the Central Government for such term and on such remuneration as the Central Government may fix.

(2) The auditors shall be supplied with a copy of the annual balance-sheet of the Reconstruction Bank and it shall be their duty to examine it together with the accounts and vouchers relating thereto and they shall have a list delivered to them of all books kept by the Reconstruction Bank and shall at all reasonable times have access to the books, acounts, vouchers and other documents of the Reconstruction Bank.

(3) The auditors may, in relation to such accounts, examine any directors or any officer or other employee of the Reconstruction Bank and shall be entitled to require from the Board or officer or other employees of the Reconstruction Bank such information and explanation is they may think necessary for the performance of their duties.

(4) The aditors shall make a report to the Reconstruction Bank upon the annual balance-sheet and accounts examined by them and in every such report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibits a true and fair view of the state of affairs of the Reconstruction Bank and in case they had called for any explanation or information from the Board or any officer or other employees of the Reconstruction Bank whether it has been given and whether it is satisfactory.

(5) The Reconstruction Bank shall furnish to the Central Government within four months from the date on which its account are closed and balanced, a copy of its balance-sheet and accounts together with a copy

of the auditors' report and a report of the working of the Reconstruction Bank during the relevant year and the Central Government shall as soon as may be after they are received by it, cause the same to be laid before each House of Parliament.

(6) Without prejudice to anything contained in the preceding sub-sections, the Central Government may at any time appoint the Comptroller and Auditor-General of India to examine and report upon the accounts of the Reconstruction Bank and any expenditure incurred by him in connection with such examination and report shall be payable by the Reconstruction Bank to the Comptroller and Auditor-General of India.

35. *Saving.*—Save as otherwise provided in sub-section (4) of section 29, nothing contained in this Chapter shall apply to the Reconstruction Assistance Fund.

CHAPTER VIII

Special Powers of the Reconstruction Bank

36. *Power to impose conditions for assistance.*—(1) In entering into any arrangement under section 18 with an industrial concern, the Reconstruction Bank may impose such conditions as it may think necessary or expedient for protecting the interests of the Reconstruction Bank, and securing that the assistance granted by it is put to the best use by the industrial concern.

(2) Where any arrangement entered into by the Reconstruction Bank with an industrial concern provides for the appointment by the Reconstruction Bank of one or more directors of such industrial concern, such provision and any appointment of directors made in pursuance thereof shall be valid and effective notwithstanding anything to the contrary contained in the Companies Act 1956 (1 of 1956), or in any other law for the time being in force or in the memorandum, articles of association or any other instrument relating to the industrial concern, and any provision regarding share qualification, age limit, number of directorships, removal from office of directors and such like conditions contained in any such law or instrument aforesaid, shall not apply to any director appointed by the Reconstruction Bank in pursuance of the arrangement aforesaid.

(3) Any director appointed in sub-section (2) shall—

(a) hold office during the pleasure of the Reconstruction Bank and may be removed or substituted by any person by order in writing by the Construction Bank ;

(b) not incur any obligation or liability by reason only of his being a director or for anything done or omitted to be done in good faith in the discharge of his duties as a director or anything in relation thereto ;

(c) not be liable to retirement by rotation and shall not be taken into account for computing the number of directors liable to such retirement

37. *Assistance to industrial concern when to operate as a charge on the property offered as security.*—(1) Where any person or industrial concern seeks any assistance from the Reconstruction Bank on the security of any immovable property belonging to him or to the industrial concern or on security of the property of some other person whose property is offered as a collaterial security forsuch assistance, such person or industrial concern, as the case may be, such other person may execute a written declaration in the form specified in the First Schedule stating therein the particulars

of the immovable property which is proposed to be offered as security or, as the case may be, collateral security for such assistance and agreeing that the dues relating to the assistance, if granted, shall be a charge on such property, and, if, on receipt of such declaration, the Reconstruction Bank grants any assistance to the person or the industrial concern aforesaid, the dues relating to such assistance shall, without prejudice to the rights of any other creditor holding any prior charge or mortgage in respect of the property so specified, be, by virtue of the provisions of this section, a charge on the property specified in the declaration aforesaid.

(2) Where any further immovable property is offered as security for the assistance referred to in sub-section (1), a fresh declaration shall be executed, as far as may be, in the form specified in the First Schedule.

(3) Every declaration referred to in sub-section (1) or sub-section (2) shall be deemed to be a document registrable as an agreement under the provisions of the Registration Act, 1908 (16 of 1908), and no such declaration shall have effect unless it is so registered.

38. *Power to call for repayment before agreed period.*—Notwithstanding anything contained in any agreement to the contrary, the Reconstruction Bank may, by notice in writing, require any industrial concern to which it has granted any assistance to discharge forthwith in full its entire dues and also discharge its other liabilities to the Reconstruction Bank—

(a) if it appears to the Board that false or misleading information in any material particular was given in the application for the assistance ; or

(b) if the industrial concern has failed to comply with the terms of its agreement with the Reconstruction Bank in the matter of assistance ; or

(c) if there is a reasonable apprehension that the industrial concern is unable to pay its debts or that proceedings for liquidation has been, or may be commenced in respect thereof ; or

(d) if the property assigned, charged, hypothecated, mortgaged or pledged to the Reconstruction Bank as a security for assistance is not insured and kept insured by the industrial concern to the satisfaction of the Reconstruction Bank or if such property depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given ; or

(e) if, without the permission of the Board, any machinery, plant or other equipment, whether forming part of the security or otherwise, is removed from the premises of the undertaking or the industrial concern, as the case may be, without being replaced ; or

(f) if for any other reason, it is necessary so to do to protect the interests of the Reconstruction Bank.

39. *Rights of Reconstruction Bank in case of default.*—(1) Where an assisted industrial concern, which is under a liability to the Reconstruc-Bank under any agreement with the Bank, makes any default in the payment of any dues, or in meeting its obligation in relation to any other assistance given by the Reconstruction Bank or otherwise fails to comply with the terms of the agreement with that Bank, the Reconstructions Bank shall have the right to take over the management, or possession, or both, of the industrial concern, as well as the right to transfer by way of lease or sale of the property assigned, charged, hypothecated, mortgaged or pledged to the

Reconstruction Bank for the purpose of realising its dues or for the revival of the industrial concern.

(2) Any transfer of property made by the Reconstruction Bank in exercise of the powers conferred on it by sub-section (1), shall vest in the transferee the rights in, or in relation to, the property transferred as if the transfer had been made by the owner of such property.

(3) The Reconstruction Bank shall have the same rights and powers with respect to goods manufactured or produced wholly or partly from goods forming part of the security held by it, as it had with respect to the original goods.

(4) Where any action has been taken against an industrial concern under the provisions of sub-section (1), all costs, charges and expenses which, in the opinion of the Reconstruction Bank, have been properly incurred by it as incidental thereto, shall be recoverable from the industrial concern and the money which is received by the Reconstruction Bank shall, in the absence of any contract to the contrary, be held by it in trust, to be applied firstly in payment, of such costs, charges and expenses, and, secondly, in dischaige of the dues of of the Reconstruction Bank and the residue of the money so received shall be paid to the person entitled thereto in accordance with his rights and interests.

(5) Where the Reconstruction Bank takes over the management or possession of any industrial concern under sub-section (1), such industrial concern may sue, and be sued, in its name.

40. *Enforcement of claims by the Reconstruction Bank.*—(1) (a) Where an assisted industrial concern makes any default in the payment of any dues to, or in meeting its obligation in relation to any other assistance given by the Reconstruction Bank or otherwise fails to comply with the terms of agreement with that Bank, or

(b) where the Reconstruction Bank makes an order under section 38 requiring the assisted industrial concern to make immediate repayment of any assistance granted to it and the industrial concern fails to make such repayment,

then, without prejudice to the provisions of section 39 of this Act and of section 69 of the Transfer of Property Act, 1882 (4 of 1882) any officer of the Reconstruction Bank generally or specially authority by the Board in this behalf may apply to the concerned High Court for one or more of the following reliefs, namely :—

(i) for an order for the sale or lease of the property assigned, charged, hypothecated, mortagaged oa pledged to the Reconstruction Bank as security for the assistance granted to it, or for the sale or lease of any other property, of the industrial concern ; or

(ii) for transferring the management of the industrial concern to the Reconstruction Bank or to its nominee ; or

(iii) for an *ad interim* injuction restraining the industrial concern from transferring or removing its machinery, plant or equipment from the premises of the industrial concern without the previous permission of the Board, where such transfer or removal is apprehended ; or

(iv) for an order for the appointment of a receiver where there is apprehension of the machinery, equipment or any othar property of substantial value which has been assigned, charged, hypothecated, mortgaged or pledged to the Reconstruction Bank, being removed from the premises of the industrial concern or of being transferred without the previous permission of the Reconstruction Bank.

(2) An application under sub-section (1) shall state the nature and extent of the liability of the industrial concern to the Reconstruction Bank, the ground on which it is made and such other porticulars as may be necessary for obtaining the relief prayed for.

(3) Where an application is for any relief mentioned in sub-clause (i) of sub-section (1), the High Court may,—

(a) by an order, authorise the Reconstruction Bank to grant lease of such property to such person and on such terms and conditions as may be specified in the said order ; or

(b) pass an order calling upon the person whose property has been assigned, charged, hypothecated, mortaged or pledged to the Reconstruction Bank to show cause, on a date to be specified in the notice, as to why an order for the sale of such property or so much of such property, as would, on being sold, realise, in its estimation, an amount equivalent in value to the outstanding dues of the industrial concern to the Reconstruction Bank, together with costs of the proceedings taken under this section, shall not be made , or

(c) pass an *ad interim* order attaching any property of the industrial concern which has not been assigned, charged, hypothecated, mortgaged to the Reconstruction Bank, or so much of such property, as would on being sold, realise in its estimation, an amount equivalent in value to the outstanding dues of the industrial concern to the Reconstruction Bank together with costs of the proceedings taken under this section, and pass an order calling upon the industrial concern to show cause on a date to be specified in the notice as to why such order of *ad interim* attachment shall not be made absolute.

(4) Where an application is for the relief mentioned in sub-clause (ii) of sub-section (1), the High Court shall issue a notice calling upon the industrial concern to show cause, on a date to be specified in the notice, as to why the management of the industrial concern shall not be transferred to the Reconstruction Bank or to its nominee.

(5) Where an application is for the relief mentioned in sub-clause (iii) of sub-section (1), the High Court shall grant an *ad interim* injunction restraining the industrial concern from transferring or removing its machinery or other equipment and issue a notice calling upon the industrial concern to show cause, on a date to be specified in the notice, as to why such *ad interim* injunction shall not be made absolute.

(6) Where an application is for the relief mentioned in sub-clause (iv) of sub-section (1), the High Court shall pass an *ad interim* order appointing a receiver in respect of the property assigned, charged, hypothecated, mortgaged or pledged and shall issue a notice calling upon the industrial concern to show cause, on a date to be specified in the notice, as to why the *ad interim* order appointing the receiver shall not be made absolute.

(7) If no cause is shown, on or before the date specified in the notice issued by the High Court, the Court shall forthwith—

(a) make an order for the sale of the property which has been assigned, charged, hypothecated, mortgaged or pledged to the Reconstruction Bank or so much of such property, as would, on being sold, realise in its estimation, an amount equivalent in value to the outstanding dues of the industrial concern to the Reconstruction Bank together with the costs of the proceedings taken under this section ;

(b) direct the sale of the attached property or the transfer of the management of the industrial concern to the Reconstruction Bank or to its nominee ;

and shall apply the proceeds of such sale for the discharge of the dues to the Reconstruction Bank and the residue of such proceeds, if any, shall be made over to the person entitled thereto in accordance with his rights and interests ;

(c) make the *ad interim* injunction made under sub-section (5), and the *ad interim* order of appointment of the receiver made under sub-section (6), as the case may be, absolute.

(8) If cause is shown, the High Court shall proceed to investigate the claim of the Reconstruction Bank and the provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall, as far as practicable, apply to such proceedings.

(9) On an investigation made under sub-section (8), the High Court may pass an order,—

(a) for the sale of the property which has been assigned, charged, hypothecated, mortgaged or pledged to the Reconstruction Bank or so much or such property, as would, on being sold, realise, in its estimation, an amount of equivalent in value to the outstanding dues of the assisted industrial concern to the Reconstruction Bank, together with costs of the proceeedings taken under under this section ; or

(b) confirming the order of attachment and directing the sale of the attached property, or the transfer of the management of the assisted industrial concern to the Reconstruction Bank or to its nominee ; or

(c) varying the order of attachment so as to release a portion of the property from attachment and directing the sale of the remainder of the attached property ,

and shall apply the proceeds of such sale for the discharge of the dues to the Reconstruction Bank and the residue of such proceeds, if any, shall be made over to the person entitled thereto, in accordance with his rights and interests ;

(d) releasing the property from attachment, if it is satisfied, that it is not necessary in the interests of the Reconstruction Bank ; or

(e) confirming or vacating the injuction or the order for the appointment of the receiver :

Provided that when making any order under clase (d), the High Court may make such further orders as it thinks necessary to protect the interest of the Reconstruction Bank, and may apportion the costs of the proceedings in such manner as it thinks fit :

Provided further that unless the Reconstruction Bank intimates to the High Court that it will not prefer an appeal against any order releasing any property from any attachment such order shall not be given effect to until the expiry of the period fixed under sub-section (12) within which an appeal may be preferred, or if an appeal is preferred, unless the court empowered to hear appeals from the decisions of the said High Court otherwise directs, until the appeal is disposed of.

(10) An order of attachment or sale of property under this section shall be carried into effect as far as practicable in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the attachment or sale of property in the execution of a decree as if the Reconstruction Bank were the decree-holder.

(11) An order under this section transferring the management of any industrial concern to the Reconstruction Bank or to its nominee shall be carried into effect, as far as may be practicable, in the manner provided in the Code of Civil Procedure, 1908 (5 of 1908), for the possession of immovable property or the delivery of movable property in the execution of a decree, as if the Reconstruction Bank or its nominee were the decree-holder.

(12) Any party aggrieved by an order under sub-section (3), sub-section (7) or sub-section (9) may, within thirty days from the date of the order prefer an appeal to the court empowered to hear appeals from the decisions of the High Court which passed the order and the appellate court may, after hearing the parties, pass such orders as it thinks proper.

(13) Nothing in this section shall be construed where proceedings for liquidation in respect of an industrial concern have commenced before an application is made under sub-section (1), as giving to the Reconstruction Bank any preference over the other creditors of the industrial concern not conferred on it by any other law.

41. *Power of Reconstruction Bank relating to property offered as primary or collateral security.*—(1) Where a person has offered any property as security, whether primary or collateral, for any assistance given by the Reconstruction Bank to any industrial cencern, or to such person, and a default has been committed by the industrial concern or by such person in the payment of any dues of the Reconstruction Bank or in meeting any obligation in relation to the assistance given by the Reconstruction Bank to the industrial concern aforesaid, the Reconstruction Bank shall have the right to take over the management, or possession, or both, of the property so offered as security, and shall have the right to transfer by lease or sale the property aforesaid for the purpose of realising its dues.

(2) Any transfer of property made by the Reconstruction Bank, in exercise of the powers conferred on it by sub-section (1), shall vest in the transferee, the rights in or in relation to the propety transferred as if the transfer had been made by the owner of such property.

(3) Where any action has been taken under the provisions of sub-section (1), costs, charges and expenses which, in the opinion of the Reconstruction Bank, have been properly incurred by it as incidental thereto, shall be recoverable out of the money received by the Reconstruction Bank by the sale or lease of the property referred to in sub-section (1) and shall, in the absence of any contract to the contrary, be held by it in trust, to be applied, firstly, in payment of such costs, charges and expenses and, secondly, in the discharge of the dues of the Reconstraction Bank and the residue of the money so received shall be paid to the person entitled thereto in accordance with his rights and interests.

(4) The Reconstruction Bank may, instead of exercising the powers conferred on it by sub-section (1), apply for the sale or lease of the pro-

perty referred to in sub-section (1) or for any other relief, to the High Court within the local limits of whose jurisdiction the property aforesaid is situated, and, thereupon, the provisions of section 40 shall, without prejudice to the provisions of section 69 of the Transfer of Property Act, 1882 (4 of 1882), apply thereto as if the property aforesaid were the property referred to in section 40, and powers shall be exercisable by the High Court accordingly.

42. *Powers of Reconstruction Bank to appoint directors or administrators of an industrial concern when management thereof is taken over.*—(1) When the management of an industrial concern is taken over by the Reconstruction Bank, that Bank may, by order, notified in the Official Gazette, appoint as many persons as it thinks fit.

(a) in any case in which the industrial concern is a company as defined in the Companies Act, 1956 (1 of 1956), to be the directors of that industrial concern ; or

(b) in any other case, to be the administrator of that industrial concern.

(2) The power to appoint directors or administrators under this section includes the power to appoint any individual, firm or body corporate to be the manager of the industrial concern on such terms and conditions as the Reconstruction Bank may think fit.

(3) For the removal of doubts, it is hereby declared that the power to appoint directors, administrators or managers includes the power to remove or replace the person so appointed.

(4) Nothing in the Companies Act, 1956 (1 of 1956) or in any other law for the time being in force or in any instrument relating to the industrial concern shall, in so far as it makes, in relation to a director, any provision for the holding of any share qualification, age limit, restriction on the number of directorships, retirement by rotation or removal from office, apply to any director appointed by the Reconstruction Bank under this section.

43. *Effect of notified order under section 42.*—On the issue of a notified order under section 42—

(a) if the industrial concern is a company as defined in the Companies Act, 1956 (1 of 1956), all persons holding any office as directors of the industrial concern, and in any other case, all persons holding any office having the powers of superintendence, direction and control of the industrial concern, immediately before the issue of the notified order, shall be deemed to have vacated their office as such ;

(b) any contract of management between the industrial concern and any director or manager thereof holding office as such immediately before the issue of the notified order shall be deemed to have terminated ;

(c) the directors or administrators, appointed under section 42, shall take such steps as may be necessary to take into their custody or under their control, the property, effect and actionable claims to which the industrial concern is, or appears to be, entitled, and the property and effects of the industrial concern shall be deemed to be in the custody of the directors or administrators, as the case may be, as from the date of the notified order ;

(d) the directors appointed under section 42 shall, for all purposes, be the directors of the industrial concern, duly constituted under the

Companies Act, 1956 (1 of 1956), and such directors, or, as the case may be, the administrators, appointed under section 42, shall alone be entitled to exercise all the powers of the directors, or, as the case may be, of the persons exercising powers of superintendence, direction and control of the industrial concern, whether such powers are derived from the said Act or from the memorandum or articles of association of the industrial concern or from any other source whatsoever.

44. *Powers and duties of directors and administrators.*—(1) Subject to the control of the Reconstruction Bank, the directors, or as the case may be, the administrators appointed under section 42, shall take such steps as may be necessary for the purpose of efficiently managing the business of the industrial concern and shall exercise such powers and have such duties as may be prescribed.

(2) Without prejudice to the generality of the powers vested in them under sub-section (1), the directors, or, as the case may be, the administrators appointed under section 42, may, with the previous approval of the Reconstructions Bank, make an application to a court for the purpose of cancelling or varying any contract or any agreement entered into, at any time before the issue of the notified order under section 42, between the industrial concern and any other person, and the court may, if satisfied after due inquiry that such contract or agreement had been entered into in bad faith and its detrimental to the interests of the industrial concern, make an order cancelling or varying (either unconditionally or subject to such conditions as it may thinks fit to impose) that contract or agreement and the contract or agreement shall have effect accordingly.

45. *No right to compensation for termination of contract of managing director, etc.*—(1) Notwithstanding aything to the contrary contained in any contract or in any law for the time being in force, no managing or whole-time director or any other director or a manager or any person in charge of management of an industrial concern shall be entitled to any compensation for the loss of office or for the premature termination, under this Act, of any contract of management entered into by him with such concern.

(2) Nothing contained in sub-section (1) shall affect the right of any such managing or whole-time director. or any other director or manager or any such person in charge of management to recover from the industrial concern, moneys recoverable otherwise than by way of such compensation.

46. *Application of Act 1 of 1956.*—(1) Where the management of an industrial concern. being a company as defined in the Companies Act, 1956, is taken over by the Reconstruction Bank, then, notwithstanding anything contained in the said Act or in the memorandum or articles of association of such concern,—

(a) it shall not be lawful for the shareholders of such concern or any other person to nominate or appoint any person to be a director of the concern ;

(b) no resolution passed at any meeting of the shareholders of such concern shall be given effect to unless approved by the Reconstruction Bank ;

(c) no proceeding for the winding up of such concern or for the appointment of a receiver in respect thereof shall lie in any court, except with the consent of the Reconstruction Bank.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Companies Act 1956 (1 of 1956), shall continue to apply to such concern in the same manner as it applied thereto before the issue of the notified order under section 42.

47. *Restriction on filing of suits for dissolution, etc., of an industrial concern not being a company when its management is taken over.*—Where the management of an industrial concern not being a company as defined in the Companies Act, 1956 (1 of 1956), is taken over by the Reconstruction Bank, no suit or proceedings for dissolution or for partition shall, in so far as it relates to that industrial concern, lie in any court or before any tribunal or other authority except with the consent of the Reconstruction Bank.

48. *Official assignee or receiver not to be appointed without the consent of the Reconstruction Bank.*—No proceeding for the appointment of any official assignee or receiver in relation to any industrial concern the management of which has been taken over by the Reconstruction Bank shall lie in any court except with the consent of the Reconstruction Bank.

49. *Power of Central Government to grant relief in the case of certain assisted industrial concerns.*—(1) The Central Government may, if it is satisfied on an application made to it by the Reconstruction Bank that it is necessary so to do for the purpose of reconstructing, reviving or rehabilitating any assisted industrial concern, declare by notification in the Official Gazette, that the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such assisted industrial concern is a party, or which may be applicable to such assisted industrial concern) immediately before the issue of such notified order, shall remain suspended or any rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable with such adaptations and in such manner as may be specified in the notified order.

(2) The notified order made under sub-section (1) shall remain in force, in the first instance, for a period of two years, but the duration of such order may be extended from time to time by a further notified order by a period not exceeding two years at a time :

Provided that no such order shall in any case remain in force for more than eight years in the aggregate from the date of issue of the first notified order.

(3) Any notified order made under sub-section (1) shall have effect, notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of a court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement or any right, privilege, obligation or liability referred to in sub-section (1) and suspended or modified

by notified order made under that sub-section shall, in accordance with the terms of that notified order, remain suspended or modified, and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations, so, however, that on the notified order ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notified order had never been made ;

(b) any proceeding so remaining stayed shall be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the proceedings became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in sub-section (1) the period during which it or the remedy for the enforcement thereof, remained suspended shall be excluded.

(6) During the period of operation of the notified order made under sub-section (1), the Central Government may, if satisfied that it is necessary so to do in the public interest,—

(a) for the reconstruction, revival or rehabilitation of an assisted industrial concern ; or

(b) for the proper management of the assisted industrial concern ; or

(c) for scaling down the liabilities of the assisted industrial concern, where the financial condition and other circumstances of the assisted industrial concern are such that such scaling down is necessary,

authorise the Reconstruction Bank to prepare a scheme—

(i) for the reconstruction, revival or rehabilitation of the assisted industrial concern ; or

(ii) for scaling down the liabilities of the assisted industrial concern ; or

(iii) for the amalgamation of the assisted industrial concern with any other industrial concern (referred to in this section as the "transferee industrial concern").

(7) The scheme referred to in sub-section (6) may contain provisions for all or any of the following matters, namely :—

(a) the constitution, name and registered office, the capital, assets, powers, rights, interests, authorities and privileges, the liabilities, duties and obligations of the assisted industrial concern on its reconstruction, or, as the case may be, of the transferee industrial concern ;

(b) in the case of amalgamation of the assisted industrial concern, the transfer to the transferee industrial concern of the business properties, assets and liabilities of the industrial concern on such terms and conditions as may be specified in the scheme ;

(c) any change in the Board of Directors, or the appointment of a new Board of Directors, of the assisted industrial concern on its reconstruction, or, as the case may be, of the tranferee industrial concern and the authority by whom, the manner in which, and the other terms and conditions on which, such change or appointment shall be made in the case of appointment of a new Board of Directors or of any director, the period for which such appointment shall be made ;

(d) the alteration of the memorandum and articles of association of the assisted industrial concern on its reconstruction, or, as the case may be, of the transferee industrial concern for the purpose of altering the capital thereof or for such other purposes as may be necessary to give effect to the reconstruction or amalgamation ;

(e) subject to the provisions of the scheme, the continuation by, or aganinst, the assisted industrial concern on its reconstruction or, as the case may be, the transferee industrial concern of any actions or proceedings pending against the assisted industrial concern immediately before the date of notified order made under sub-section (1) ;

(f) the reduction of the interest or rights which the members and other creditors have, in, or against, the assisted industrial concern before its reconstruction or amalgamation to such extent as the Reconstruction Bank considers necessary in the interest of the reconstitution, revival or rehabilitation of the assisted industrial concern or for the maintenance of the business of the assisted industrial concern ;

(g) the payment in cash or otherwise to the members and other creditors in full satisfaction of their claims—

(i) in respect of their interests or rights, in, or against the assisted industrial concern before the reconstruction or amalgamation ; or

(ii) where their interests or rights aforesaid, in, or against, the assisted industrial concern has or have been reduced under clause (f), in respect of such interests or rights as so reduced ;

(h) the vesting controlling interest, in the reconstructed industrial concern, in the Central Government or its nominee either by the appointment of additional director or by the allotment of additional shares ;

(i) the allotment to the members of the assisted industrial concern, for any share or shares held by them therein before its reconstruction or amalgamation [whether their interest on such shares has been reduced under clause (f) or not], of shares in the assisted industrial concern on its reconstruction, or, as the case may be, in the transferee industrial concern and where any member claims payment in cash and not allotment of shares, or where it it is not possible to allot shares to any member, the payment in cash to those members in full satisfaction of their claims,—

(i) in respect of their interest in shares in the assisted industrial concern before its reconstruction or amalgamation ; or

(ii) where such interest has been reduced under clause (f), in respect of their interest in shares as so reduced ;

(j) the continuance of the services of such of the employees of the assisted industrial concern as may be specified in the scheme, in the assisted industrial concern itself on its reconstruction, or in the transferee industrial concern on such terms and conditions as may be specified in the scheme ;

(k) notwithstanding anything contained in clause (j), where any employees of the assisted industrial concern whose services are proposed in the draft scheme referred to in sub-section (2), have, by notice in writing given to the Reconstruction Bank at any time before the expiry of one month next following the date on which the draft scheme is sent to the assisted industrial concern, intimated their intention of not becoming employees of the assisted industrial concern on its reconstruction or in the transferee industrial concern, the payment, to such employees, and to other employees whose services have not been continued in the assisted industrial concern on its reconstruction or in the transferee industrial concern, of compensation, if any, to which they are entitled under the Industrial Disputes Act, 1947 (14 of 1947), and such pension, gratuity, provident fund and other retirement benefits ordinarily admissible to them under the rules or authorisations of the assisted industrial concern as in force immediately before the date of its reconstruction or amalgamation ;

(l) any other terms and conditions for the reconstruction or amalgamation of the assisted industrial concern :

(m) such incidental, consequential and supplemental matters as are necessary to secure that the reconstruction or amalgamation shall be fully and effectively carried out.

(8) (a) A copy of the scheme prepared by the Reconstruction Bank shall be sent, in draft to the assisted industrial concern and also to the transferee industrial concern and any other industrial concern concerned in the amalgamation for suggestions and objections, if any, within such period as the Reconstruction Bank may specify for this purpose ;

(b) The Reconstruction Bank may make such modifications, if any, in the draft scheme as it may consider necessary in the light of the suggestions and objections received from the assisted industrial concern and as also from the transferee industrial concern, and any other industrial concern concerned in the amalgamation and from any members or other creditor of such industrial concerns and the transferee industrial concern :

Provided that where the transferee industrial concern is a company the scheme aforesaid shall be laid before such company in the general meeting for the approval of the scheme by its members and no such scheme shall be proceeded with unless it has been approved, with or without modification, by a special resolution passed by the members of such company.

(9) The scheme shall thereafter be placed before the Central Government for its sanction and the Central Government may sanction the scheme without any modifications or with such modifications as it may consider necessary, and the scheme as sanctioned by the Central Government shall come into force force on such date as the Central Government may specify in this behalf :

Provided that different dates may be specified for different provisions of the scheme.

(10) For the purpose of assisting it to exercise the powers conferred on it by sub-section (9), the Central Government may constitute an advisory committee consisting of such officers of the Central Government, Reserve Bank, State Bank, public financial institutions and nationalised banks, having knowledge of, or experienee in, one or more of the following matters, namely :—

(a) industry and industrial sickness ;

(b) finance and banking ;

(c) industrial relations ;

(d) law,

as it may thinks fit.

(11) The sanction accorded by the Central Government under sub-section (9) shall be conclusive evidence that all the requirement of this scheme relating to the reconstruction, or, as the case may be, amalgamation, have been complied with and a copy of the sanctioned scheme certified in writing by an officer of the Central Government to be a true copy thereof, shall in all legal proceeding (whether in appeal or otherwise) be admitted as evidence to the same extent as it may think fit.

(12) On and from such date of coming into operation of the scheme or any provision thereof, the scheme or such provision shall be binding on the assisted industrial concern, or, as the case may be, on the transferee industrial concern, and any other industrial concern concerned in the amalgamation and also on all the members and other creditors and employees of each of those assisted industrial concerns and of the transferee industrial concern. and or any other person having any right or liability in relation to any of the assisted industrial concerns or the transferee industrial concern including the trustees or other persons managing, or connected in any other maner with, any provident fund or other fund maintained by any of those industrial concerns or the tranferee industrial concern.

(13) On and from such date as may be specified by the Central Government in this behalf, the properties, and the assets of the assisted industrial concern shall, by virtue of, and to the extent provided in the scheme, stand transferred to, and vest in, and the liabilities of the assisted industrial concern shall, by virtue of, and to the extent provided in, the scheme stand transferred to, and become the liabilities of, the transferee industrial concern.

(14) If any difficulty arises in giving effect to the provisions of the scheme. the Central Government may, by order, do anything, not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(15) Copies of the scheme or of any order made under sub-section (14) shall be laid before each House of Parliament, as soon as may be, after the scheme has been sanctioned by the Central Government, or as the case may be, the order has been made.

(16) Where the scheme is a scheme for amalgamation of the assisted industrial concern, any business acquired by the transferee industrial concern under the scheme or under any provisions thereof shall, after the coming into operation of the scheme or such provision, be carried on by the transferee industrial concern, in accordance with the law governing the transferee industrial concern, subject to such modifications in that law or such exemptions of the transferee industrial concern from the operation of any provisions thereof as the Central Government, on the recommendadation of the Reconstruction Bank, may, by notification in the Official Gazette, make for the purposes of giving full effect to the scheme :

Provided that no such modification or exemption shall be made so as to have effect for a period of more than seven years from the date of the aquisition of such business.

(17) Nothing in this sub-section shall be deemed to prevent the amalgation with an assisted industrial concern by a single scheme of several industrial concerns in respect of each of which an order has been made under sub-section (1) of this section.

50. *Power of High Court to authorise Reconstruction Bank to prepare* *scheme for reconstruction, etc., of industrial concern.*—(1) Where any company being an industrial concern, is being wound up by the High Court and the High Court is of opinion that a scheme should be made for the reconstruction, revival or rehabilitation of such industrial concern, it may, by order, authorise the Reconstruction Bank to prepare, and submit to it, a scheme for such reconstruction, revival or rehabilitation of the industrial concern.

(2) The Reconstruction Bank may, in pursuance of the order made by the court under sub-section (1), prepare a scheme for the reconstruction, revival or rehabiliation of the industrial concern referred to in sub-section (1), and the scheme so made may contain all or any of the matters specified in sub-section (7) of section 49 ;

Provided that no such scheme shall provide for the amalgamation or merger of the company in liquidation or of any undertaking owned by it with any other company, or any other undertaking owned by such other company, except on the authority of a special resolution passed by the members of that other company.

(3) The High Court may, if it is satisfied. after considering the scheme prepared under sub-section (2), that the scheme ensures the reconstruction, revival or rehabilitation of the industrial concern which is a company being would up by the court, and such reconstruction, revival or rehabilitation would ensure an increase in the production of goods needed by the community, approve the scheme with or without any modification and the scheme so approved shall have effect, notwithstanding anything to the contrary contained in any other provisions of this Act, or any other law, or any agreement, award or other instrument for the time being in force.

51. *Chief Metropolitan Magistrate and District Magistrate to assist Reconstruction Bank in taking charge of property.*—(1) Where any property, effects or actionable claim have been sold or leased in pursuance of any power conferred by section 39, section 40 or section 41 or where the management of an industrial concern is taken over by the Reconstruction Bank or its nominee or an undertaking or an industrial concern is amalgamated under section 49, the Reconstruction Bank or the administrator or any director, or any other person authorised by the Reconstructor Bank may, for the purpose of taking into custody or control any such property, effects or actionable claims, may, request in writing the Chief Metropolitan Magistrate or the District Magistrate within whose jurisdiction any property or books of accounts or other documents relating to such property or effects or actionable claim may be situated, or found, to take possession thereof, and the Chief Metropolitan Magistrate or the District Magistrate, as the case may be, shall, on such request being made to him.—

(a) take possession of such property, effects or actionable claims and books of account and other documents relating thereto, and

(b) forward them to the Reconstruction Bank, administrator, director or other person, as the case may be ;

(2) For the purpose of securing compliance with the provisions of sub-section (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force as may, in his opinion, be necessary.

(3) No act of the Chief Metropolitan Magistrate or the District Magistrate done in persuance of this section shall be called in question in any court or before any authority.

CHAPTER IX

Miscellaneous

52. *Effect of the Act on other laws*.—The provisions of this Act and any rule or scheme made thereunder shall have effect notwithstanding anyanything inconsistent therewith contained in any other law for the time being in force or in the memorandum or articles of association of an industrial concern or in any other instrument having effect by virtue of any law other than this Act

53. *Act 43 of 1961, Act 7 of 1964 and Act 45 of 1974 not to apply Reconstruction Bank.*—Notwithstanding anything contained in the Income-tax Act, 1961, or the Companies (Profits) Surtax Act, 1964 or the Interest-tax Act, 1974, or any other enanctment for the time being in force relating to tax on income, profits or gains, the Reconstruction Bank shall not be liable to pay income-tax, surtax, interest-tax or any other tax in respect of—

(a) any income, profits or gains accuring to the Reconstruction Assistance Fund or any amount received to the credit of that Fund ;

(b) any income, profits or gains derived, or any amount received, by the Reconstruction Bank ; and

(c) any interest collected by, or payable to, the Reconstruction Bank in accordance with the provisions of the Interest-tax Act, 1974.

54. *Law relating to winding up not to apply to the Reconstruction Bank.*—No provision of law relating to winding up of corporations shall apply to the Reconstruction Bank and the Reconstruction Bank shall not be placed in liquidation, save by order of the Central Government and in such manner as it may direct.

55. *Act 18 of 1891 to apply to the books of the Reconstruction Bank.*—The Reconstruction Bank shall be deemed to be a bank for the purposes of the Banker's Books Evidence Act, 1891.

56. *Certain provisions of Act 10 of 1949 not to apply to Reconstruction Bank.*—Nothing contained in the Banking Regulation Act, 1949, except the provisions of section 34A and section 35AD, shall apply to the Reconstruction Bank.

57. *Act 54 of 1969 not to apply to the expansion or amalgamation of certain undertaking.*—No provision of the Monopolies and Restrictive Trade Practices Act, 1969, in relation to the amalgamation, merger, modernisation or expansion of any undertaking to which Part III of that Act, applies, shall apply when such amalgamation, merger, modernisation or expansion of such undertaking, takes place as a result of any sale, lease, purchase, amalgamation or merger in accordance with the provision of this Act.

58. *Returns.*—The Reconstruction Bank shall furnish, from time to time, to the Central Government and the Reserve Bank such returns as the Central Government, or, as the case may be, Reserve Bank, may require.

59. *Delegation of powers.*—The Board may, by general or special order, delegate, subject to conditions and limitations, if any, as may be specified in the said order, to the Executive Committee or any other committee constituted under this Act or to any director, officer or other employee of the Reconstruction Bank to manage any assisted industrial concern or any undertaking owned by such assisted industrial concern, such of its

(4) Applications other than those referred to in sub-section (2) which could lie to the Board of Revenue, but for such substitution of section 14 of the principal Act, may be filed before the Tribunal within the time it could be filed before the Board and shall be disposed of by the Tribunal in accordance with the provisions of the principal Act, as if it were the authority competent to decide such application under section 14 as it existed before its substitution by this Ordinance

(5) The provisions of section 15 of the principal Act as substituted by this Ordinance shall apply to an application for revision transferred to, or filed before the Tribunal, and disposed of by it under sub-section (1) or sub-section (2), as the case may be, or to an application for ractification transferred to, or filed before the Tribunal and disposed of by it under sub-section (3) or sub-section (4), as they apply to an order of the Tribunal disposing of an appeal under section 14 of the principal Act as substituted by this Ordinance or ractifying a mistake apparent from the record under section 17 as amended by this Ordinance.

(6) Any person aggrieved by an order of the Board made under section 14 or section 17 as it existed before the date of commencement of this Ordinance, hereinafter referred to as the said date, may, within 120 days from date of service of such order, if an application under sub-section (1) of section 15 or section 17 of the principal Act as they existed before the said date has not been filed, and the period of limitation has not expired, apply to the High Court for revision of such order under section 15 of the principal Act as substituted by this Ordinance on the ground that the case involves a question of law.

(7) Any person aggrieved by an order of the Board of Revenue refusing to state the case under section 15 of the principal Act, as it existed immediately before the said date, may, where the limitation for making an application to the High Court under sub-section (2) of section 15 as it stood immediately before the said date, has not expired likewise apply for revision to the High Court within a period of 90 days from the date of communication in writing of such refusal.

(8) If the Board of Revenue has failed to dispose of an application under sub-section (1) of section 15 of the principal Act as it existed before the said date within the time prescribed therefore in that sub-section, the applicant may, within 90 days from the expiration of the time prescribed in that sub-section, apply to the High Court for revision.

(9) No application for revision under sub-sections (6) and (7) shall be entertained, unless it is accompanied by a fee of Rs. 100/-, provided that no such fee shall be necessary in the case of an application for revision by or on behalf of the Commissioner of Commercial Taxes.

(10) Every application for making reference to the High Court under sub-section (1) of section 15 of the principal Act as it existed immediately before the said date, pending before the Board of Revenue on the said date shall stand transferred to the High Court. Every such application upon being so transferred and every application under clause (b) of sub-section (2), or under sub-section (3A) of section 15 of the principal Act, as it existed immediately before the said date, pending before the High Court on the said date, shall be deemed to be an application for revision under section 15 of the principal Act as substituted by this Ordinance and disposed of accordingly.

(11) Where the High Court has before the said date required the Board of Revenue to state the case and refer it to the High Court under sub-section (3) of section 15 of the principal Act, as it existed immediately before the said date, or has referred the case back to the Board to make such additions thereto or alterations therein as directed by the High Court, the proceedings so pending before the Board on the said date shall be transferred to the Tribunal, and if the order of the High Court has not been transmitted to Board, it shall be transmitted to the Tribunal and the Tribunal shall, as soon as may be, comply with such requirement. Every reference so made and every reference made by the Board before the said date and pending before the High Court on the said date, shall be deemed to be an application for revision under section 15 of the principal Act as substituted by this Ordinance and shall be disposed of accordingly.

Explanation.—For purpose of sub-sections (6) and (7), 'any person' includes the Commissioner or any Commercial Taxes Officer or Assistant Commercial Taxes Officer authorised by the Commissioner in this behalf.

14. *Power to remove difficulties.*—(1) The State Government may, for the purpose of removing difficulties, particularly in relation to the transition from the provisions of the principal Act, as it existed immediately before its amendment by this Ordinance to the provisions of the principal Act as amended by this Ordinance by order direct that the provisions so amended shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification. addition or omission as it may deem to be necessary or expedient :

Provided that no such order shall be made after one year from the date of commencement of this Ordinance.

(2) Every order made under clause (1) shall be laid before the House of the State Legislature.

THE RAJASTHAN APPROPRIATION (NO. 1) ACT, 1985

Published in the *Rajasthan Gazette, (Ext.)*, Part 4 (Ka), dated March 28, 1985

RAJASTHAN ACT NO. 1 OF 1985

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the Services of the financial year 1984-86 ending on the 31st day of March, 1985.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as following :—

1. *Short title.*—This Act may be called **the Rajasthan Appropriation** (No. 1) 1985.

(Text omitted)

THE RAJASTHAN APPROPRIATION (VOTE ON ACCOUNT) (NO. 2) ACT, 1985

Published in the *Rajasthan Gazette, (Ext.)*, Part 4 (Ka), dated March 29, 1985

RAJASHAN ACT NO. 2 OF 1985

An Act to authorised payment and apuropriation of certain sums from and out of the Consolidated Fund of the State for the Services of a part of the financial Year, 1985-86.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be cited as **the Rajasthan Appropriation (Vote on Account) (No. 2) Act, 1985**.

(Text omitted)

THE RAJASTHAN APPROPRIATION (NO. 3) ACT, 1985

Published in the *Rajasthan Gazette, (Ext)*, Part IV (Ka), dated March 29, 1985

RAJASTHAN ACT NO. 3 OF 1985

An Act to authorise the appropriation of certain further sums from and out of the Consolidated Fund of the State for the Services of the financial year 1978-79 ending on the 31st March, 1979 in excess of the amounts granted for those services and for that year.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title*—This Act may be cited as **the Rajasthan Appropriation (No. 3) Act, 1985**.

(Text omitted)

THE RAJASTHAN CANAL (SUBSTITUTION OF NAME) ACT, 1985

The following Act received the assent of the Governor on the 11th day of April, 1985 and was published in the *Rajasthan Gazette*, (*Ext.*), Part IV (Ka), dated April 11, 1985.

RAJASTHAN ACT NO. 4 OF 1985

An Act to substitdte the name of "Indira Gandhi Canal" for the name "Rajasthan Canal" in various laws, rules, orders, documents, etc.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Rajasthan Canal (Substitution of Name) Act, 1985**.

(2) It shall be deemed to have come into force on the 9th day of November, 1984.

2. *Substitution of name of the Rajasthan Canal.*—For the expression "Rajasthan Canal", wherever and in whatever manner used, the expression "Indira Gandhi Canal" shall be—

(i) substituted in all laws, rules, regulations, bye-laws, orders, notifications and statements of conditions for the time being in force ; and

(ii) read and construed accordingly in all instruments, agreements, contracts. indentures, sanads, lease-deeds, all other documents and pending proceedings.

3. *Repeal and Savings.*—(1) The Rajasthan Canal (Substitution of Name) Ordinance, 1984 (Ordinance No. 11 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, all things done or actions taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

(3) Notwithstanding anything in this Act shall affect the liabilities incurred, duties performed, obligations created, titles conferred, rights accured, actions taken, functions performed, appointments made, or tax

or fee levied or realised by any person or authority in respect of matters relating to Rajasthan Canal because of the substitution of its name.

THE RAJASTHAN EXCISE (AMENDMENT) ORDINANCE, 1985.

The following Ordinance was made and promulgated by the Governor on the 4th day of May, 1985 and was published in the *Rajasthan Gazette (Ext.)*, Part IV (Kha), dated May 4, 1985.

ORDINANCE NO. 1 OF 1985

[Made and promulgated by the Governor on the 4th day of May, 1985].

An Ordinance further to amend the Rajasthan Excise Act, 1950.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in this behalf;

Now, therefore, in exercise of the powers conferred upon him by clause (1) of Article 213 of the Constitution of India, the Governor of the State of Rajasthan is pleased to make and promulgate in the Thirty sixth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Rajasthan Excise (Amendment) Ordinance, 1985**.

(2) It shall come into force atonce.

2. *Insertion of new Clause (17-A) in section 3, Rajasthan Act 2 of 1950.*—After clause (17) of Section 3 of the Rajasthan Excise Act. 1950 (Rajasthan Act 2 of 1950), hereinafter referred to as the principal Act, the following new clause (17-A) shall be inserted, namely :—

"(17-A) "Molasses" means the mother liquor produced in the final stage of the manufacture of sugar or khandsari sugar by the vacum pan process or open pan process from sugar cane or gur.".

3. *Amendment of Section 41, Rajasthan Act 2 of 1950.*—In clause (d) of sub-section (2) of section 41 of the principal Act, after the expression "excisable article", the expsession "or molasses" shall be added.

O. P. MEHRA,
Governor of Rajasthan.

Published in the *Rajasthan Gazette (Ext.)*. Part IV (Ga), dated March 7, 1985

GENERAL ADMINISTRATION (Gr. II) DEPARTMENT

C. S. R. 94.—(*Jaipur, February 16, 1985*).—In exescise of the powers conferred under section 13 of the Rajasthan Premises (Requisition and Eviction) Ordinance, 1949, the State Government hereby makes the following amendments in **the Rajasthan Premises (Requisition and Eviction) Rules, 1976, namely** :—

AMENDMENT

In the said rules—

1. In rule 4 :—

(a) the bracket and figure "(1)" occuring after the heading shall be deleted;

(b) in the end, the expression "provided that :—" shall be deleted and after the expression "possession of the premises" the mark ";" shall be inserted.

(c) Above the clause "(i)" the expression "provided that :—" shall be inserted separately.

2. In rule 8 :—

(a) in sub clause (iii) of clause (a) for the expression "by post" the expression "by registered A. D. post." shall be substituted.

(b) in clause (b) the word "an" after the word "or" and before the word "order" shall be inserted.

Published in the *Rajasthan Gazette* (*Ext.*), Part IV (Ga), dated May1, 1985.

FINANCING (Gr. IV) DEPARTMENT

S. O. 22.—*(Jaipur. May 1, 1985)*—In pursuance of sub-section (2) of Section 1 of **the Rajasthan Sales Tax (Amendment) Act, 1984** (Rajasthan Act No. 20 of 1984), the State Government hereby notifies that the aforesaid Act No. 20 of 1984 shall come into force with effect from first May, 1985.

Published in the *Rajasthan Gazette, (Ext.)*, Part IV (Ga). dated
August 22, 1984.

FINANCE (Gr. IV) DEPARTMENT

G.S.R. 32—(*Jaipur, August 22, 1984*)—In exercise of the powers conferred by section 26 of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954), the State Govern ment hereby makes the following rules further to amend the Rajasthan Sales Tax Rules, 1955 and orders, with reference to proviso to sub-section (4) of the said section, that previous publication of these rules is dispensed with as the State Government is stisfied that the circumstances exist which render it necessary to take immediate action :—

THE RAJASTHAN SALES TAX (AMENDMENT) RULES, 1984

1. (a) These Rules may be called **the Rajasthan Sales Tax (Amendment) Rules, 1984**

(b) They shall come into force atonce.

2. In the fifth proviso to sub-rule (3) of rule 25 of the Rajasthan Sales Tax Rules, 1955, herein after referred to as the said rules, between the expression "new dealer" and "obtaining registration" the words "who is a manufacturer or an impoiter or a dealer with a total monthly tax liability of not less than Rs. 250 under the Rajasthan Sales Tax Act, 1954 (Act 29 of 1954) and the Central Sales Tax Act, 1956 (Central Act 74 of 1956) according to his own accounts" shall be inserted.

3. In rule 28-B of the said rules,—

(a) in sub-rule (1), for the expression "rupees fifty thousand", the expression "rupees one lakh" shall be substituted; and

(b) in sub-rule (3), for the expression "Rs. 50,000", the expression "one lakh" shall be substituted.

4. In rule 44-A of the said rules, for the expression "Rs. 200.00" the expression "Rs. 1,000" shall be substituted.

5. In sub-rule (1) of rule 67 of the said rules, for the evpression "Rs. 10,000", the expression "Rs. 25,000" shall be substituted.

Published in the *Rajasthan Gazctte*, (*Ezt.*), Part IV (Ga), dated May 1, 1985.

FINANCE (Gr. IV) DEPARTMENT

G S .R. 6.—(*Jaipur, May 1. 1985*).—In exercise of the powers conferred by Section 26 of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954) the State Government hereby makes the following rules further to amend the Rajasthan Sales Tax Rules, 1955 and orders with reference to proviso to sub section (4) of the said section that previous publication of these Rules is dispensed with as the State Government is satisfied that circumstances exist which render is necessary to take immediate action, namely:—

1. *Short title and commencement.*—(1) These Rules may be called **the Rajasthan Sales Tax (Amendment) Rules 1985.**

(2) It shall come into force atonce

2. *Amendment Rule 2. Rajasthan Sales Tax Rules, 1985.*—(1) In Rule 2 the following new clauses (f), (k) and (l) shall be inserted in the Rajasthan Sales Tax Rules, 1955 and after such insertion in Rule 2 the existing clauses (c) to (j) shall be re-numbered as under:—

(i) For the Clause (g) shall be read as clause (d),
(ii) For the Clause (c) shall be read as clause (e),
(iii) For the Clause (d) shall be read as clause (f),
(iv) For the Clause (e) shall be read as clause (g),
(v) For the Clause (h) shall be read as clause (i),
(vi) For the Clause (i) shall be read as clause (j), and
(vii) For the Clause (j) shall be read as clause (l).

(2) In Rule 2, after insertion and renumbering, the clauses (c), (h) and (k), shall be as follows :—

(c) "Chairman" means the Chairman of the Rajasthan Sales Tax Tribunal appointed by the State Government and includes a member holding charge of the Chairman.

(h) "Registrar" means the Registrar of the Rajasthan Sales Tax Tribunal appointed by the State Government and includes any other officer with respect to such functions and duties of the Registrar as may be assigned to him as such officer by the Chairman.

(k) "Tribunal" means the Rajasthan Sales Tax Tribunal constituted under Section 2A of the Rajasthan Sales Tax Act, 1954."

3. *Insertion of new Chapter III and Rule 7 in the Rajasthan Sales Tax, Rules, 1955.*—After the existing Rule 6 of the Rajasthan Sales Tax Rules, 1955, the following new Chapter III and Rule 7 shall be inserted in the Rajasthan Sales Tax Rules, 1955, namely,—

"CHAPTER III

Sales Tax Tribunal, its headquarter, sitting of Benches, Constitution and conditions of service

7. (1) The headquarter of the Tribunal shall be at Ajmer.

(2) Any Bench of the Tribunal shall hold its sitting at its headquarter or at such place or places as may be considered fit by the Chairman subject to any direction given by the State Government.

(3) The Chairman shall be competent to transfer a pending appeal one Bench to another Bench.

(4) The Tribunal shall consist of the Chairman, two or more members for this proper discharge of the functions and duties conferred upon it under the Act.

(5) The Chairman shall be a member of the Supertime scale of the Indian Administrative Service equivalent in status and rank to the Chairman, Board of Revenue, Rajasthan.

(6) One member of the Tribunal shall be appointed out of the member of Rajasthan Higher Judicial Service being one of the senior Dis-

trict and Sessions Judges or shall be an eminent Advocate fit to be appoined as a Judge of the Rajasthan High Court.

(7) One member having sufficient experience in matters of Commercial Taxes shall be appointed from out of the members of the Selection-grade/Supertime scale of the Indian Administrative Services or from selection grade of the Rajasthan Administrative Service or from the selection grade of the Rajasthan Commercial Taxes Service.

(8) The Chairman or a member of the Tribunal shall be appointed initially for a period of not more than three years and he shall not continue on such post after attaining the age of fifty-eight years.

(9) The functions of the Tribunal under the Act and Rules may be discharged by any of the members sitting either singly, or in a Bench of two or more members as may be constituted by tbe Chairman, consistent with the provisions of the Act and Rules.

(10) If the members of the Bench of the Tribunal are equally divided in opinion as to the order to be made in the case heard by them, they shall state the point or points to the Chairman on which they differ and the case shall be referred by the Chairman for hearing on such point or points to one or more of the other members of the Tribunal including himself, and such point or points shall be determined according to the majority of the members of the Tribunal who heard the case initially or subsequently.

(11) There shall be a Registrar of the Tribunal who shall perform such duties and exercise such powers as may be assigned to him by the Chairman.

(12) The members of the Tribunal shall draw monthly salary and allowances as admissible to an officer of Indian Administrative Service of the rank of members of the Board of Revenue, Rajasthan.

4. *Amendment of Rule 37.*—In the heading of and in the aforesaid Rule 37 of the Rajasthan Sales Tax Rules, 1955, for the expression "revisional or special appellate" the expression 'or revisional" and after the words 'in appeal' and before the words 'has the effect' for the expression 'revision or special appeal' the expression "under section 13 or 14B or a revisional order passed under section 15 or 15A" shall be substituted.

5. *Substitution of Rule 39.*—For the existing Rule 39 the following Rule shall be substituted, namely—

"39. *Application for appeal before the Tribunal.*—(1) An application for appeal before the Tribunal under section 14 shall be in form S. T. 9.

(2) A memorandum of cross-objections under sub-section (4) of of section 14 shall be in form S. T. 9-A.

(3) An application for appeal under section 14 in respect of the following cases shall be heard and disposed of by a bench of the Tribunal consisting of two or more members,—

(i) application for appeal against an order passed by the Commissioner under section 12-A, or under sub-section (1) or sub-section (2) of section 15-A ;

(ii) application for appeal involving classification of goods for the purpose of rate tax or exemption from tax ; and

(iii) application for appeal where the disputed amount of tax or penalty or both involved is Rs. 20,000/- or more.

Explanation.—Miscellaneous applications connected with cases mentioned in clauses (i) to (iii) above are included in these categories.

(4) All other applications of appeal not covered by sub-rule (3) may be heard and disposed of by the Chairman or any member of the Tribunal sitting singly.

6. *Insention of new rule 39-A.*—After Rule 39 in the said Rules, the following Rule shall be inserted, namely :—

"39-A. *Application for Revision.*—(1) An application for revision to the High Court under sub-section (1) or sub-section (2) of section 15 shall be in form S. T. 9B.

(2) An application for revision to the Commissioner under sub-section (2) of section 15-A shall be in form S. T. 9C."

7 *Amendment of Rule 40.*—In the heading of the existing Rule 40, for the word "revisions", the expression "appeal to the Tribunal" and for the word "revision" wherever occuring in the aforesaid rule the expression "appeal to the Tribunal" shall be substituted.

8 *Substitution of Rule 41.*—In the Rajasthan Sales Tax Rules, 1955, the existing Rule 41 shall be substituted by the following, namely :—

"41 *Dismissal for default of an application for appeal or application for revision under section 15-a.*—(1) Where the appellant or applicant for revision under section 15-A does not appear on the date fixed for hearing, the appellate or revising authority as the case may be, may dismiss the appeal or application for default.

(2) An appeal of application dismissed under sub-section (1) shall be restored if the appellant or applicant makes an application for that purpose within 30 days of the date of dismissal and satisfies the appellate or revising authority, as the case may be, that he was prevented by the sufficient cause from appearing on the date fixed for hearing and such restoration may be unconditional or on such conditions as the appellate or revising authority may deem reasonable in the circumstances of each case including conditions as to the payment of costs to the State."

9. *Ommission of Rule 41-A.*—The existing Rule 41-A of the said Rule shall be omitted.

10. *Amendment of Rule 59.*—In clause (iii) of sub-rule (3) of the said Rule for the words "Board of Revenue" the word "Tribunal" shall be substituted.

11. *Amendment of Rule 60-A.*—In clause (b) of sub-rule (2) of the said rule for the words "Board of Revenue" the word "Tribunal" shall be substituted.

12. *Amendment of Rule 64.*—(i) In Rule 64 under column 2 at S. No. 1 (a) the expression "and special appeal under section 14 (14A)" shall be deleted.

(ii) In Rule 64 under column 2 at Serial No. 1 (b) for the expression "revision under section 14(2)" the expression "appeal under section 14" shall be substituted.

(iii) In Rule 64 after serial number 1 (b) a new entry "(bb)" shall be inserted namely,—

"(bb) Application for Revision under section 15 A(2)	Three percent of the amount in dispute calculated to nearest rupee subject to the minimum of Rs. 30/- and the maximum of Rs. 100/-."

(iv) In Rule 64 under column 2 at Serial No. 1(c) for the expression "reference" the expression "revision under section 15" shall be substituted.

(a) prescribe under section 5 the rules, if any, subject to which and the intervals at which and the manner in which, the tax leviable under section 3 shall be paid to the State Government by every licensee;

(b) prescribe under section 7 the form in which books of account shall be kept, and the form in, and intervals at, which returns shall be submitted ;

(c) prescribe the qualifications of Inspectors under section 8 ;

(d) prescribe the rules, if any, subject to which the Inspectors may exercise the powers under section 9 ;

(e) prescribe the circumstances in which and conditions subject to which refund may be granted under section 11.

(3) In making any rules under this section the State Government may direct that a breach thereof shall be punishable with fine not exceeding one thousand rupees, and when the offence is continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall there upon take effect.

16. *Savings* —For the avoidance of doubt, it is hereby declared that nothings in this Act shall be taken to impose, or authorise the imposition of, a tax on the sale of electricity (whether produced by Government or other persons) which is—

(a) sold to the Government of India for consumption by that Government, or

(b) sold to the Government of India or any railway of the Government of India for consumption in the construction, maintenance or operation of any railway,

(c) sold to any authority established by any existing law or any law made by Parliament for regulating or developing any inter-State river or river valley, for its consumption.

Explanation.—For the purposes of this section the expression "existing law" shall have the meaning assigned to it in clause (10) of article 366 of the Constitution.

17. *Repeal aud savings*.—(1) The Gujarat Tax on Sale of Electricity Ordinance, 1984 (Gujarat 9 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

Published in the *Gujarat Government Gazette, Extraordinary*, Part IV, dated April 27, 1985

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) (SECOND) ORDINANCE, 1985

GUJARAT ORDINANCE NO. 10 OF 1985

An Ordinance further to amend the Gujarat Agricultural Produce Markets Act, 1963.

Whereas the Legislative Assembly of the State of Gujarat is not in sesssion;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Agricultural Produce Markets Act, 1963 (Guj. XX of 1964);

Now, Therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Gujarat Agricultural Produce Markets (Amendment) (Second) Ordinance, 1985.**

(2) It shall come into force at once.

[Text of the Ordinance is omitted as this Ordinance is replace, earlier Ordinance No. 7 of 1985, which has already been published at page 25.

Editor]

THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL (GUJARAT AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the President on the 26th April, 1985 was published in the *Gujarat Govt. Gazette, (Ext.)*, Part IV, dated April 29, 1985.

GUJARAT ACT NO. 7 OF 1985

An Act further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

It is hereby enancted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Bombay Rents, Hotel and Lodging House Rates Control (Gujarat Amendment) Act, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 12 of Bom. LVII of 1947.*—In the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947) (hereinafter referred to as "the principal Act"), in section 12, in sub-section (3), in clause (b), for the portion begining with the words "and thereafter continues" and ending with the words "also pays costs of the suit as directed by the Court" the following shall be substituted, namely :—

"and thereafter,—

(i) continues to pay or tender in Court such rent and permitted, increases till the suit is finally decided ; and

(ii) pays-costs of the suit

as directed by the Court "

3. *Insertion of new section 13AA in Bom. LVII of 1947.*—In the principal Act, after section 13, the following section shall be inserted, namely :—

"13AA. *Right of members of armed forces of Union and their widows and heirs to recover possession of premises required for their occupation.*—(1) Notwithstanding anything to the contrary contained in this Act or in any contract,—

(a) a specified landlord shall be entitled to recover from his tenant the possession of any premises owned by him or by any member of his family on the ground that such premises are *bonafide* required by him or occupation by himself or by any member of his family and on receipt of an application made by the specified landlord for the purpose of recovery of possession of the premises. the competent authority shall make an order of eviction on that ground if the specified landlord produces a certificate granted by the authorised officer to the effect that,—

(i) he is a member of the armed forces of the Union, or that he was such a member and has retired as such, and

(ii) he does not possess any other premises suitable, for residence in the local area where the premises are situated ;

(b) a successor-in-interest who becomes the landlord of the premises owned by such member of the armed forces of the Union, as a result of death of such member while in service or within five years of his retirement, shall be entitled to recover possession of such premises on the ground that the premises are *bonafide* required for occupation by the successor-in-interest himself or by any member of the family of the deceased member and on receipt of an application made by the successor-in-interest for the purposes of recovery of possession of the premises, the competent authority shall make an order of eviction on that ground if the successor-in-interest produces a certificate granted by the authorised officer to the effect that,—

(i) the successor-in-interest is a widow or any other member of the family of the deceased member of the armed force of the Union ; and

(ii) such successor-in-interest, does not possess any other premises suitable for residence in the local area where such premises are situated.

(2) Any certificate. granted under clause (a) or clause (b) of sub-section (1) shall be conclusive evidence of the facts stated therein.

(3) (a) No order for eviction shall be made under this section if the competent authority is satisfied that, having regard to all the circumstances of the case including the question whether other reasonable accommodation is available for the specified landlord or, as the case may be the successor-in-interest or the tenant, greater hardship would be caused by making the order than by refusing to make it.

(b) Where the competent authority is satisfied that no hardship would be caused either to the tenant or to the specified landlord or, as the case may be, the successor-in-interest by making the order in respect of a part of the premises, the competent authority shall make the order in respect of such part only.

Explanation.—For the purpose of this section,—

(1). "authorised officer", in relation to a member of the armed forces of the Union, means his commanding officer orhead of service including—

(i) in the case of an officer retired from Army, the Area Commander,

(ii) in the case of an officer retired from the Nevy, the Flag Officer Commanding-in-Chief, Naval Command, and

(iii) in the case of an officer retired from the Air force, the Station Commander;

(2) "competent authority" means the authority appointed under section 31A ;

(3) "member of the family" in relation to a member of the armed force of the Union, means any of the following members of his family who is ordinarily residing with him and who is dependent on him and where such member has retired or died, any member of his family who is so resident or dependent at the time of his retirement, or as the case may be, death, namely :—

spouse, father, mother, son, daughter, grandson, grand-daughter, son's wife, grandson's wife, widow of a predeceased son or grand-son ;

(4) "specified landlord" means a person who is a member of the armed forces of the Union or who was such member and has duly retired prematurely or otherwise and who or a member of whose family owns any premises ;

(5) "successor-in-interest" in relation to a deceased member of the Union means,—

(i) if the deceased member has a spouse living at the time of his death, spouse, and

(ii) in any other case, any other member of his family.".

4. *Insertion of new section 31A in Bombay LVII of 1947.*—In the principal Act, in Part II, after section 31, the following section shall be inserted, namely :—

"31A. *Special procedure for disposal of certains application.*—(1) The State Government may, by notification in the *Official Gazette* appoint as many persons as it thinks fit as competent authorities for the purposes of exercising the powers conferred, and performing the duties imposed on the competent authority under this section and shall define the local limits within which any competent authority so appointed shall exercise such powers and perform such duties.

(2) A person shall not be qualified for appointment as a competent authority unless he had held a judical office for at least five years or has been practising as an advocate or pleader for at least seven years.

(3) Notwithstanding anything to the contrary contained in this Act, an application for eviction on the ground specified in section 13AA shall be made to the competent authority which shall deal with the application in accordance with the procedure laid down in this section.

(4) The competent authority shall issue summons, in relation to every application referred to in sub-section (3), in the form specified in Schedule IV.

(5) (a) The competent authority shall, in addition to, and simultaneously with, the issue of summons for service on the tenant, also direct the summons to be served by registered post (acknowledgement due), addressed to the tenant or his agent empowered to aecept the service at the place where the tenant or his agent actually and voluntarily resides or carries on business or personally works for gain and may, if the circumstances of the case so require, also direct the publication of the summons in a newspaper circulating in the locality in which the tenant is last known to have resided or carried on business or personally worked for gain.

(b) When an acknowledgement purporting to have been signed by the tenant or his agent is received by the competent authority or the registered article containing the summons is received back with an endorsement purporting to have been made by a postal employee to the effect that the tenant or his agent had refused to take delivery of the registered article, the competent authority may declare that there has been a valid service of summons.

(6) The tenant on whom the summons is duly served (whether in the ordinary way or by registered post) in the from specified in Schedule IV shall not contest the prayer for eviction form the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the competent authority as hereinafter provided and in default of his appearance in pursuance of the summons or his obtaining such leave the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

(7) The competent authority shall give to the tenant leave to contest the application if the affidavit filed by the tenant discloses such facts as would disentitle the landlord form obtaining an order for the recovery of possession of the premises on the ground specified in section 13AA.

(8) Where leave is granted to the tenant to contest the application the competent authority shall commence the hearing of the application as early as practicable.

(9) The competent authority shall, while holding an inquiry in a proceeding to which this section applies, follow the practice and procedure of a Court of Small Causes, including the recording of evidence.

(10) No appeal shall lie against an order for the recovery of possession of any premises made by the competent authority in accordance with the procedure specified in this section :

Provided that the High Court may, for the purpose of satisfying itself that an order made in any case by the competent authority under this section is according to law, call for the record of that case and pass such order in respect thereto as it thinks fit.

(11). Where no application has been made to the High Court for revision, the competent authority may exercise the powers of review in accordance with the provisions of Order XLVII of the first Schedule to the Code of Civil Procedure, 1908 (V of 1908).

(12) If any person refuses or fails to comply with the order of the eviction within Thirty days of the date on which it has become final, the competent authority or any other officer duly authorised by such comptent authority in this behalf, may evict that person from and take possession of, the premises and deliver the same to the landlord and for that purpose, use such force as may be necessary.

(13) In respect of an application for eviction on the ground specified in sectson 13AA made to the campetent authority the provisions of section 17 shall apply as if for sub-sections (1) and (2) the following sub-section had been substituted, namely :—

"(1) Where an order for eviction has been made by the competent authority under section 13AA and the premises are not occupied or the premises are re-let within one year from the date the specified landlord or the successor-in-interest recovers possession, to any person other than the original tenant, the competent authority may on the application of the original tenant made within 13 months of such date order the specified landlord or the successor-in-interest to place the original tenant in occupation of the premises on the original terms and conditions, and on such order being made the specified landlord or the successor-in interest or any person who may be in occupation of the premises shall give vacant possession to the original tenant.

(2) Any specified landlord or the successor-in-interest who recovers possession under section 13AA and keeps the premises unoccupaid and any specified landlord or successor-in interest or other person in occupation of the premises who fails to comply with the order of the competent authority under sub section (1) shall, on conviction, be punishable with imprisonment for a term which may extent to three months or with fine or with both.".

(14) Save as otherwise provided in this section, the procedure for the disposal of an application for eviction on the ground specified in section 13AA shall be the same as the procedure laid down for the disposal of application by the Court.".

5. *Insertion of new Schedule to Bombay LVII of 1947.*—In the principal Act, after Schedule III, the following Schedule shall be inserted, namely :—

"SCHEDULE IV.

[See section 31A (4)]

Form of Summons in a Case Where Recovery of Possession of Premises is prayed for on the ground specified in section 13AA.

(Name, discription and place of residence of the tenant)

Whereas Shri.......... ....has filed an application (a copy of which is annexed) for your eviction from (here insert the particular of the premises) on the ground specified in section 13AA ;

You are hereby summoned to appear before the Competent authority within fifteen days of the service thereof and to obtain the leave of the competent authority to contest the application for eviction on the ground aforesaid ; in default whereof, the applicant will be entitled at any time after the expiry of the said period of fifteen days to obtain an order for your eviction from the said premises.

Leave to appear and contest the application may be obtained on an application to the competent authority supported by an affidavit as is referred to in sub-section (6) of section 31A.

Given under my hand and seal.

This day of 19 .

Competent Authority."

6. *Repeal and savings.*—(1) The Bombay Rents, Hotal and Lodging House Rates Control (Gujarat Amendment) Ordinance 1984 (Gujarat Ordinance 10 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or, any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT PREVENTION OF ANTI-SOCIAL ACTIVITIES ORDINANCE, 1985.

Published in the *Gujarat Govt.. Gazette (Ext.)*, Part IV, dated May 27, 1985

GUJARAT ORDINANCE NO. 11 OF 1985.

An Ordinance to provide for preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers for preventing their anti-social and dangerous activities prejudicial to the maintenance of public order.

Whereas the public order is adversely affected every now and then by certain anti-social and dangerous activities of persons who are known as boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers :

And whereas having regard to the resources and influence of the persons by whom, large scale on which, and the manner in which, the anti-social and dangerous activities are being clandestinely organised and carried on in violation of law by such boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers ;

And whereas Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to have a special law in the State of Gujarat to provide for preventive detention of those classes of persons and for matters connected therewith for the purpose hereinafter appearing ;

And whereas instructions of the President under the proviso to Clause (1) of Article 213 of the Constitution have been obtained ;

Now, therefore, in exercise of the powers conferred on him by Clause (1) of Article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called **the Gujarat Prevention of Anti-Social Activities Ordinance, 1985.**

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. *Definition.*—In this Ordinance, unless the contest otherwise requires.

(a) "authorised officer" means a District Magistrate or a Commissioner of Police authorised under sub-section (2) of section 3 to exercise the powers conferred under sub-section (1) of that section ;

(b) "bootlegger" means a person, who distils, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicant in contravention of any provisions of the Bombay Prohibition Act, 1949 (*Bom. XXV of 1949*), and the rules and orders made thereunder, or of any other law for the time being in force or who knowingly expends or applies any money or supplies any animal, vehicles vessels or other conveyance or any receptacles or any other materials whatsoever in furtherance or support of the doing of any of the things described above by or through any other person, or who abets in any other manner the doing of any such thing ;

(c) "dangerous person" means a person, who either by himself or as a member of or leader of a gang, habitually commits, or attempts to commit or abets the commission of offences, punishable under Chapter XVI or Chaper XVII or Chapter XXII of the Indian Penal Code or any of the offences punishable under Chapter V of the Arms Act, 1959 (54 of 1959) ;

(d) "detention order" means an order made under section 3 ;

(e) "detenu" means a person detained under a detention order ;

(f) "drug-offender" means a person, who manufactures, stocks, imports, exports, sells or distributes any drug or cultivates any plants or does any other thing in contravention of any provisions of the Drugs and Cosmetics Act, 1944 (XIII of 1940.), or the Dangerous Drugs Act, 1930 (II of 1930), or the rules and orders made under either Act or in contravention of any other law for the time being in force, or who knowingly expends or applies any money in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such thing

(g) "immoral traffic offender" means a person who habitually commist or abets the commission of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956) ;

(h) "property grabber" means a person who illegally takes possession of any lands (whether belonging to Government, local authority or any other peron) or enters into or creates illegal tenancies or leave and licence agreements or any other agreements in respect of such lands, or who constructs unauthorised structure thereon for sale or hire, or gives such lands to any person on rental or leave and licence basis for construction, or use and occupation, of unauthorised structures, or who knowingly gives financial aid to any persons for taking illegal possession of such lands, or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation or other charges by criminal intimidation, or who evicts or attempts to evict any such occupires by force without resorting to the lawful procedure, or who abets in and manner the doing of any of the above mentioned things ;

(i) "unauthorised structure" means any structure constructed in any area without express permission in writing of the officer or authority having jurisdiction in such area required under the Bombay Land Revenue Code, 1879 and the Gujarat Town Planning and Urban Development Act, 1976 and the Bombay Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 or, the case may be the Gujarat Panchayats Act, 1961 or except in accordance with any other law for the time being in force in such area.

3 *Power to make orders detaining certain persons.—(1)* The State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it is necessary, so to do, make an order directing that such person be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct that the District Megistrate or Commissioner of Police, may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an authorised officer he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless in the meantime, it has been approved by the State Government.

(4) For the purpose of this section a person shall be deemed to be "acting in any manner prejudicial to the mentenance of public order" when such person is engaged in or is making preparation for engaging in any

And Whereas, the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977), for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Housing and Area Development (Amendment) Ordinance, 1985 (Mah. Ord. II of 1985) on the 13th February 1985 ;

And Whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Maharashtra Housing and Area Development (Amendment), 1985.**

(2) It shall be deemed to have come into force on the 13th day of February, 1985.

2. *Amendment of section 28 of Mah. XXVIII of 1977.*—In section 28 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977) (hereinafter referred to as "the principal Act"), in sub-section (1), for clause (h) the following clause shall be substituted, namely :—

"(h) to advance loans in accordance with the provisions of Chapter X ;".

3. *Amendment of heading of Chapter X of Mah. XXVIII of 1977.*—For the heading of Chapter X of the principal Act, the following heading shall be substituted, namely :—

"ADVANCES OF LOANS FOR PURPOSES OF PURCHASE OF ANY LAND DEVELOPED, OR OF BUILDING OR TENEMENT THEREIN COSTRUCTED BY AUTHORITY OR OF CONSTRUCTION OF HOUSES ON SUCH LAND.".

4. *Amendment of section 160 of Mah. XXVIII of 1977.*—In section 160 of the principal Act,—

(a) for the words "construction of houses on lands developed by it" the following shall be substituted, namely :—

"purchase of any land developed by the Authority, or of purchase, on such terms as the Authority may, with the approval of the State Government, determine, of any building or tenement therein constructed by the Authority, or of construction of houses on land developed by the Authority, or of improvement, renovation or carrying out any extension to any house or hut constructed on any Authority premises," ;

(b) in clause (v), for the words "the factories" the words "the factories ; or" shall be substituted ;

(c) after clause (v), the following clause shall be added, namely :—

"(iv) any individual."

5. *Repeal of Mah. Ord. II of 1985 and saving.*—(1) The Maharashtra Housing and Area Development (Amendment) Ordinance, 1985 (Mah. Ord. II of 1985), is hereby repealed.

(2) Notwithstadning such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

THE MAHARASHTRA LUXURY-CUM-ENTERTAINMENT AND AMUSEMENT TAX ON HOLDERS OF TELEVISION SETS (REPEAL) ACT, 1985

The following Act of the Maharashtra Legislature received the assent of the Governor the 2nd April, 1985, and was published in the *Maharashtra Govt. Gazette*, Part IV, dated April 11, 1985.

MAHARASHTRA ACT NO V OF 1985.

An Act to repeal the Maharashtra Luxury-cum-Entertainment and Amusement Tax on Holders of Television Sets Act, 1982.

Whereas it is considered desirable and expedient to repeal the Maharashtra Luxury-cum-Entertainment and Amusement Tax on Holders of Television Sets Act, 1982 (Mah. XIX of 1982) and to provide for certain matters incidental thereto ; It is hereby enacted in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called **the Maharashtra Luxury-cum-Entertainment and Amusement Tax on Holders of Television Sets (Repeal) Act, 1985.**

2. *Repeal of Mah. XIX of 1982.*—On and with effect from 25th day of March, 1985, the Maharashtra Luxury-cum-Entertainment and Amusement Tax on Holders of Television Sets Act, 1982 (Mah. XIX of 1982), shall stand repealed.

3. *Refund of Tax.*—(1) Any holder of television set who has paid tax for the whole year commencing from the 1st day of January, 1985 and ending on the 31st day of December 1985 or any part thereof beyond the month of March 1985 shall be entitled to claim refund of the proportionately at the rate of Rs. 5 per month for a period from the 1st day of April, 1985 onwards for which he has paid such tax.

(2) Such holder of television set shall apply for such refund in such form, in such manner and to such authority as may be prescribed by rules made in that behalf.

4. *Power to make rules.*—(1) The power to make rules under this Act, shall be exercisable by the State Government by notification in the Official Gazette.

(2) All rules made under this Act shall be subject to condition of previous publication.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification, have effect in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

5. *Savings.*—The provisions of section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), with regard to effect of repeal, shall apply.

6. *Power to remove difficulties.*—If any difficulty arises in giving effect to

any of the provisions of this Act, the State Government may, as occassion arises, by order, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that no such order shall be made, after the expiry of a period of two years from the date of commencement of this Act.

THE MAHARASHTRA OWNERSHIP FLATS (REGULATION OF THE PROMOTION OF CONSTRUCTION, SALE, MANAGEMENT AND TRANSFER) (EXTENSION OF DURATION) ACT, 1985.

The following Act of the Maharashtra Legislature received the assent of the President on 26th April, 1985, and was published in the *Maharashtra Govt. Gazette*, Part IV, dated May 9, 1985.

MAHARASHTRA ACT NO. VI OF 1985

An Act to extend the duration of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

Whereas both Houses of the State Legislature were not in session ;

And, Whereas the Governor of Mahrashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to extend the duration of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963) ; and, therefore, promulgated the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Extension of Duration) Ordinance, 1985 on the 20th February, 1985 ;

And Whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called **the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Extension of Duration) Act, 1985.**

2. *Amendment of section 1 of Mah. XLV of 1963.*—In section 1 of the Maharashtra Ownership Flats (Regulation of the promotion of construction sale, management and transfer) Act, 1963 (hereinafter referred to as "the principal Act"), in sub-section (4), for the figures "1985" the figures "1990" shall be substituted.

3. *Repeal of Mah. Ord. III of 1985 and savings.*—(1) The Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) (Extension of Duration) Ordinance, 1985 (Mah. Ord. III of 1985), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the principal Act as amended by this Act.

THE INDIAN FOREST (MAHARASHTRA AMENDMENT) ACT, 1984

The following Act of the Maharashtra Legislature received the assent of the President on 29th April, 1985, and was published in the *Maharashtra Government Gazette*, Part IV, dated May 9, 1985.

MAHARASHTRA ACT NO. VII OF 1985

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Maharashtra.

Whereas it is expedient further to amend the Indian Forest Act, 1927 (XVI of 1927) in its application to the State of Maharashtra, for the purposes hereinafter appearing ; It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Indian Forest (Maharashtra Amendment) Act, 1984.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Amendment of section 2 of Act XVI of 1927.*—In section 2 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in clause (4C), for the words and figures "the Bombay Land Revenue Code, 1879 (Bombay V of 1879), or, where that Code is not in force, as defined in a law corresponding to that Code ;", the words and figures "the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966);" shall be substituted.

3. *Amendment of section 26 of Act XVI of 1927.*—In section 26 of the principal Act, in sub-section (1) for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousnad rupees," shall be substituted.

4. *Amendment of section 28 of Act XVI of 1927.*—In section 28 of the principal Act,—

(a) for the words and figures "the Bombay Village Panchayats Act, 1933 (Bombay VI of 1933) the words and figures "the Bombay Village Panchayat Act, 1958 (Bombay III of 1959), shall be substituted ;

(b) for the words and figures "the Bombay Co-operative Societies Act, 1925 (Bombay VII of 1925)," the words and figures "the Maharashtra Co-operative Societies Act, 1960 (Maharashtra XXIV of 1961)," shall be substituted.

5. *Amendment of section 33 of Act XVI of 1927.*—In section 33 of the principal Act, in sub-section (1), for the words "six months or with fine which may extend to five hundred rupees," the words "one year or with fine which may extend to two thousand rupees," shall be substituted.

6. *Amendment of section 42 of Act XVI of 1927.*—In section 42 of the principal Act, in sub section (1), for the words "six months or with fine which may extend to five hundred rupees,"the words "one year or with fine which may extend to two thousand rupees," shall be substituted.

7. *Amendment of section 52 of Act XVI of 1927.*—In section 52 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted namely :—

"(1A) Any Forest-Officer or police officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest-produce in respect of which there is reason to believe a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle";

(b) in sub-section (2),—

(i) after the words "on such property," the words and brackets "or the receptacle or vehicle (if any) in which it is contained", shall be inserted ;

(ii) after the proviso, the following shall be added, namely :—

"Provided further, that, where the offence on account of which the seizer has been made is in respect of, timber, sandalwood, firewood, charcoal or such other forest-produce as may be notified by the State Government from time to time (hereinafter referred to as the "notified forest-produce") and which is the property of the State Government, such officer shall make a report of such seizure also to the concerned authorised officer under section 61A.

Explanation.—For the purposes of this Chapter, the expressions "property of Government" and "property of the State Government" include the property belonging to the Forest Development Corporation of Maharashtra, Limited." ;

(c) in the marginal note, for the word "confiscation." the word "confiscation and forfeiture." shall be substituted.

8. *Amendment of section 53 of Act XVI of 1927.*—In section 53 of the principal Act, for the words and figures "under section 52, may release" the words, figures and letter "under section 52 may, subject to section 61G, release" shall be substituted.

9. *Substitution of section 54 of Act XVI of 1927.*—For section 54 of the principal Act, the following section shall be substituted, namely :—

"54. *Procedure on receipt by Magistrate of report of seizure.*—Upon the receipt of any report under sub-section (2) of section 52, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and, subject to sections 58 and 61 G, for the disposal of the property according to law."

10. *Amendment of section 55 of Act XVI of, 1927.*—In section 55 of the principal Act,—

(a) in sub-section (1), for the words "shall be liable to confiscation." the words, figures and letter "shall, subject to section 61 G, be liable by order of the convicting court to forfeiture." shall be substituted ;

(b) in sub-section (2), for the word "confiscation" the word "forfeiture" shall be substituted ;

(c) in the marginal note, for the word "confiscation" the word "forefeiture" shall be substituted.

11. *Amendment of section 56 of Act XVI of 1927.*—In section 56 of the principal Act,—

(a) for the word "confiscation" the word "forfeited", shall be substituted ;

(b) for the words "in any other case, may be disposed of" the words figures and letter "in any other case may, subject to section 61G, be disposed of" shall be substituted.

12. *Amendment of section 57 of Act XVI of 1927.*—In section 27 of the principal Act, for the portion beginning with the words "the Magistrate may" and ending with the words "to be confiscated" the following shall be substituted, namely :—

"the Magistrate may if he finds that an offence has been committed, but subject to section 61G, order the property in respect of which the offence has been committed, to be forfeited together with tools, boats, vehicles or cattle and other articles used in committing the offence,".

13. *Substitution of section 58 of Act XVI of 1927.*—For section 58 of the principal Act, the following section shall be substituted, namely :—

"58. *Procedure as to perishable property seized under section 52.*—The Forest-officer who made the seizure under section 52 may, notwithstanding anything contained in this Act or any other law, sell any property seized under section 52 and subject to the speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold and shall report about every such sale to his official superior.".

14. *Amendment of section 60 of Act XVI of 1927.*—In section 60 of the principal Act, for the word "confiscation" the word "forfeiture" shall be substituted.

15. *Amendment of section 61 of Act XVI of 1927.*—In section 61 of the principal Act, for the words and figures "seized under section 52, " the following shall be substituted, namely :—

"seized under section 52 which is not the property of Government and the withdrawal of any charge made in respect of such property.".

16. *Insertion of section 61A to 61G in Act XVI of 1927.*—After section 61 of the principal Act, the following sections shall be inserted, namely :—

"61A. *Confiscation by Forest-officers of forest-produce where forest-offence is believed to have been committed.*—(1) Notwithstanding anything contained in the foregoing provisions of this Chapter or any other law, where a forest-offence is believed to have been committed in respect of timber, sandalwood, firewood, charcoal, or any other notified forest-produce which is the property of the State Government, the officer seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay produce it, together with all tools, boats, vehicle and cattle used in committing such offence, before an officer authorised by the State Government in this behalf by notification in the official Gazette not being an officer below the rank of an Assistant Conservator of Forest (hereinafter referred to as "the authorised officer)".

(2) The State Goverement may authorise one or more officers for any local area under sub-section (1).

(3) Where an authorised officer seizes under sub-section (1) of section 52 any timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government or any such property is produced before an authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such property such authorised officer may, whether or not a prosecution is instituted for the commission of such forest-offence, order confiscation

of the property so seized together with all tools, boats, vehicles and cattle used in committing such offence.

(4)(a) Where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof and the tools, boats vehicles and cattle to be sold by public auction.

(b) Where any confiscated property or the tools, boats, vehicles and cattle are sold, as aforesaid, the proceeds thereof, after deduction of the expenses of any such auction or other incidental expenses relating thereto shall, where the order of confiscation made under this section is set aside or annulled by an order under section 61C or 61D, be paid to the owner thereof or to the person from whom it is seized as may be specified in such order.

61B. *Issue of show cause notice before confiscation under section 61A.*—(1) No order confiscating any timber, sandalwood, firewood, charcoal or any other notified forest-produce tools, boats, vehicles or cattle shall be made under section 61A except after notice in writing to the person from whom it is seized and considering his objections, if any :

Provided that no order coufiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, in the opinion of the authorised officer it is practicable to do so, and considering his objections, if any.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, sandalwood, firewood, charcoal or any other notified forest-produce without the knowledge of connivance of the owner himself, his agent, if any, and the person in charge of the tool, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

61C. *Revision.*—Any Forest-officer not below the rank of Conservator of Forest specially empowered by the State Government in this behalf by notification in the Official Gazette may, suo motu call for and examine the record of the order of the authorised officer under section 61A ; and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit :

Provided that no such record shall be called for after the expiry of 30 days from the date of such order and no order under this section shall be passed if, in the meanwhile, an appeal has been filed under section 61D against the order of the authorised officer :

Provided further that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

61D. *Apeeal.*—(1) Any person aggrieved by any order passed under section 61A or section 61C may, within thirty days from the date of communication to him of such order appeal to the Sessions Judge having jurisdiction over the area in which the property and the tools, boats, vehicles and cattle to which the order relates has been seized and the Sessions Judge shall, after giving an opportunity to the appellant and the authorised officer or the officer specially empowered under section 61C, as the case may be, to be heard, pass such order as he may think fit confirming, modifying or annualling the order appealed against.

(2) An order of the Session Judge under sub-section (1) shall be final and shall not be questioned in any court.

61E. *Award of confiscation not to interfere with other punishments.*—The award of any confiscation, under section 61A or section 61C or section 61D shall not prevent the infliction of any punishment to which the person affected thereby is liable, under this Act or any other law for the time being in force

61F. *Property etc. confiscated when to vest in Government.*—When an order for confiscation of any property or any tools, boats, vehicles, or cattle is passed under section 61A or section 61C or Section 61D and such order has become final in respect of the whole or any portion of such property, or tool, boat, vehicle or cattle, such property, or portion thereof or tool, boat, vehicle or cattle or if it has been sold under clause (a) of sub-section (4) of section 61A the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.

61G. *Bar of jurisdiction in certain cases*—Whenever any timber, sandalwood, charcoal or any other notified forest-produce which is the property of the State Government, together with any tool, boat, vehicle or cattle used in committing any offence is seized under sub-section (1) of section 52, the authorised officer under section 61A of the officer specially empowered under section 61C or, the Sessions Judge hearing an appeal under section 61D shall have, and notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (11 of 1974), or in any other law for the time being in force, any other, officer court; tribunal of authority shall not have, jurisdiction to make orders with regard to the custody, possession, delivery, disposal or distribution of such property and any tool, boat, vehicle or cattle."

17. *Amendment of section 62 of Act XVI of 1927.*—Section 62 of the principal Act, shall be renumbered as sub-section (1) there of and,—

(a) in sub-section (1) as so re-numbered, for the word "confiscation" the words "confiscation or forfeiture" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely :—

"(2) Any fine so imposed, or any portion thereof, shall, if the convicting court so directs, be given as compensation to the person aggrieved by such seizure."

18. *Amendment of section 65 of Act XVI of 1927.*—In section 65 of the principal Act, for the words "may release such person" the words, figures and letter "may, subject to and without prejudice to the provisions of section 65A, release such person" shall be substituted.

19. *Insertion of section 65A in Act XVI of 1927.*—After section 65 of the principal Act, the following section shall be inserted, namely :—

"65A. *Certain offiences to be non-bailable.*—Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (II of 1974),—

(a) The offences under sections or clauses of sections mentioned in clause (b) shall be non-bailable.

(b) The section and clauses of sections of this Act referred to in clause (a) are the following, namely:—

Section 26, clauses (a), (b), (f), (g), (h) and (i) of sub-section (1).

If the said shall give bail in the sum of Rs.. ....with one surety in the sum of Rs...................................... (or two sureties each in the sum of Rs.......................) to attend before this Court on the day of 19 , to continue so to attend untill otherwise directed by this Court, he may be released.

Dated this day of 19

(SEAL)

Registrar.

FORM III
WARRANT OF COMMITMENT FOR CONTEMPT.

(See Rule 17)

IN THE HIGH COURT OF JUDICATURE AT PATNA

To the Superintendent of the Jail at........................ ...

Whereas at the Court holden on this day (name and description of the contemner) has been adjudged by the Court guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for the period .... (here specify the term) and/or to pay a fine of rupees...................... ....

This is to authorise and require you' the superintendent of the said Jail, to receive the said (name of the contemner) into your custody, togather with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution.

You are further directed that while the said ....is in your custody, produce the said ....before this Court, at all times when the Court shall so direct.

Given under my hand and the seal of the Court, this................. day of ....19 .

(SEAL)

By order of the High Court.
B. N. SINHA,
Registrar.

THE BIHAR MOLASSES (CONTROL) (AMENDMENT) ORDINANCE, 1984

Pablished in the *Bihar Gazette* dated February 4, 1985.

BIHAR ORDINANCE NO. 2 OF 1985

An Act to amend the Bihar Molasses (Control) Act, 1947.

Whereas, the Legislature of the State of Bihar is not in session ;

And, whereas the Governor of Bihar is satisfied that cirtumstances exist which render it necessary for him to take immediate action to amend the Bihar Molasses (Control) Act, 1947 (Bihar Act 6, 1947 in the manner hereinafter appearing ;

And, whereas, the instructions of the President of India under the proviso to clanse (1) of Article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance —

1. *Short title and commencement* —(i) This Ordinance may be called **the Bihar Molasses (Control) (Amendment) Ordinance, 1984.**

(ii) It shall come into force at once.

2. *Amendment of section 2 of Bihar Act VI of 1957.*—In section 2 of the Bihar Molasses (Control) Act, 1947 (Bihar Act VI of 1947) (hereinafter referred to as the said Act),—

(i) For clause (d) the following clause shall be substituted, namely :—

"(d) 'Stockist' means any person holding stocks of molasses for distillation, or for purposes of sale or resale under a licence granted under this Act."

(ii) After clause (g), the following clause shall be added, namely ;—

"(h) 'Board' means Board of Revenue."

3. *Substitution of new section for section 4 of Bihar Act VI of 1947.*—For section 4 of the said Act, the following section shall be substituted, namely :—

"4 No molasses produced in the State nor ony molasses held by the stockists in the State, shall without the permission of the Controller be moved by rail, road or river from any place in the State to any other place therein:

Provided that where an agreement or contract for the supply of molasses has been entered into in accordance with the provisions of section 5 when the Controller has issued direction under section 6, permission for such movement shall not be refused by the Controller :

Provided further that the Controller shall not issue movement order for any molasses except on payment of the permit fee by the person desiring to move molasses, as may be prescribed by State Government from time to time by notification in the Official Gazette :

Provided further also that no movement permit shall be required for movement of any molasses to distilleries of this State."

4. *Insertion of a new section 8-C in Bihar Act VI of 1947.*—After section 8-B of the said Act, the following section shall be inserted namely :—

"8-C. *Funds for regulation of adequate storage facilities in respect of molasses.*—(i) Every owner, occupier and manager of a sugar factory shall for the purposes of construction and maintenance of adequate facilities for the storage of molasses, place in a separate fund such amount calculated at the rate as may be prescribed by the Government by notification :

Provided that the amount as aforesaid shall not exceed one-third of the price received in accordance with the rate prescribed in the Schedule referred in section 8-A :

(ii) The fund referred to in sub-section (i) above shall be accounted for, maintained and operated in the manner presciibed by rule framed in that behalf."

5. *Amendment of section 10 of Bihar Act VI of 1947.*—After the proviso to section 10 of the said Act, the following proviso shall be added, namely :—

"Provided further that—

(i) (a) The Controller of Molasses may accept from any person, who is reasonably of having committed an offence punishable under this section a payment of a sum not exceeding rupees ten thousand in lieu of prosecution or by way af composition for such offences as the case may be; and

(*b*) In any case in which any molasses has been seized as being liable to confiscation under this Act, may at any time before the Magistrate has passed an order under this section release the molasses on payment of any sum not exceeding the value thereof as estimated by the Controller of Molasses including the administrative charges and movement permit fee.

(*ii*) When the payments referred to above has been duly made the accused person, if in custody, shall be discharged and the molasses seized (if any) shall be released and no further proceeding shall be taken against such person or molasses.

6. *Substitution of new section for* 10-A *of Bihar Act VI of 1947.*—For section 10-A of the said Act, the following shall be substituted namely :—

"**10-A.** (1) An appeal shall lie to the Board from any order made by the Controller of Molasses under section 10 of the Act :

Provided that every memorandum of appeal shall be submitted within fifteen days from the date of communication to the appellant of the order appealed against and shall be accompained by order appealed against in original or by an authenticated copy of such order unless the omission to produce such order or copy is explained to the satisfaction of the Board.

(2) The State Government may on its own motion, or on the application of any aggrieved person, revise any order passed under this Act by the Controller, except an order passed under section 10 of the Act :

Provided that no application shall be entertaired under this section unless it is made within thirty days of the order cnmplained of."

7. *Insertion of a new clause (ff) after clause (f) in sub-section (2) of section 13 of Bihar Act VI of 1947.*—After clause (*f*) of sub-section (2) of section 13 of the said Act the following clause shall be inserted, namely :—

"(*ff*) prescribe the manner in which accounts of funds for regulation of adequate storage facilities in respect of molasses produced in factories shall be maintained and operated."

Dated 1st February 1985.

A. R. KINDWAL,
Governor of Bihar.

THE BIHAR AND ORISSA EXCISE (AMENDMENT) ORDINANCE, 1985

Published in the *Bihar Govt. Gazette (Ext.)* dated May 1, 1985.

BIHAR ORDINACE NO. 7 OF 1985

An Ordinance to amend the Bihar and Orissa Excise Act, 1985.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar and Orissa Excise Act, 1915 (Bihar and Orisa Act, 2 of 1915), in the manner hereinafter appearing :

Now, therefore, in exercise of powers conferred by clause (1) of Article

213 of the Constitution of India the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Bihar and Orissa Excise (Amendment) Ordinance 1985.**

(2) It shall come into force at once.

2. *Amendment of section 1 of Bihar and Orissa Act II of 1915.*—For sub-section (1) of section 1 of the Bihar and Orissa Excise Act, 1915 (B & O. Act II of 1915) (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely :—

"( ) This Act may be called the Bihar Excise Act. 1915."

3. *Amendment of section 2 of B. & O. Act II of 1915.*—In section 2 of the said Act,—

(i) after clause (10) the following clause shall be inserted, namely :—

"(11) 'hemp plant' means the 'plant cannabis sativa';

(ii) for clause (12a) the following clause shall be substituted, namely :—

"(12a) 'intoxicant' means—

(1) any liquor, or

(2) any substance from which liquor may be distilled and which is declared by the State Goveanment by notification in the Official Gazette to be an intoxicant for the purpose of this Act, or

(3) intoxicating drugs or

(4) Medicinal preparation as defined under the Medicinal and Toilet Preparations (Excise Duties) Act), 1955."

4. *Amendment of section 19 of the B and O Act II of 1915.*—In section 19 of the said Act,—

(a) for the heading, the following heading shall be substituted, namely :—

"possession and consumption of intoxicants generally":

(b) for sub-section (4) the following sub-section shall be substituted namely :—

"(4) Notwithstanding anything contained in this Act and the Dengerous Drugs Act, 1930 (Act II of 1930), the State Government may, by notification prohibit the possession, consumption or both by any person or class of persons or subject to such exceptions, if any, as may be specified in the notification, by all persons in the State of Bihar or in any specified local area, of any intoxicant either absolutely or subject to such conditions as it may prescribe."

5. *Amendment of section 25 of the B & O Act II of 1915.*—(1) In section 25 of the said Act, for the word "Eighteen" the word "twenty-one" shall be substituted wherever it occurs.

6. *Amendment of section 31 of the B & O Act II of 1915.*—In section 31 of the said Act,—

(a) in clause (d) of sub-section (1).—

(i) after the words "Chairman of each municipality" the words "and Mayor of a Corporation" shall be inserted, and

(ii) at the end of the sentence the words "and Municipal Corporation" shall be added.

7. *Amendment of section 33 of the B & O Act II of 1915.*—In section 33 of the said Act,—

(i) in clauses (a) and (b) of sub-section 1 after the word "municipality" the words "or Corporation" shall be inserted ;

(ii) in sub-section 2, after the word "Municipality" the words "or Corporation" and after the words "Chairman of the Municipality" the words "or Mayor of a Corporation" shall be inserted ;

(iii) in sub-section 3 after the word "Municipality" the words "or Mayor of a Corporation" shall be inserted ;

(iv) in clause (i) of sub-section (3) after the words "in the case of a Municipality" the words "or Mayor, as the case may be" shall be inserted:

(v) in clause (iii) after the words "Municipal Commissioner" the words "or Councillor of a Corporation" shall be inserted.

8. *Amendment of section 55 of the B & O Act II of 1915.*—In the heading of section 35 of the said Act the words "or Board" shall be omitted.

9. *Amendment of section 42 of the B & O Act II of 1915* —In section 42 of the said Act. after sub-section 2, the following new sub-section shall be inserted and the existing sub-section (3) shall be renumbered as sub-section (4) :—

"(3) When a licence, permit or pass is liable to be cancelled it may at the discretion of the authority who granted the same, be suspended for a period of ninety days at a time, porvided the authority concerned may extend the period of suspension beyond ninety days, under exceptional circumstanses, after recording reasons for the same."

10. *Substitution of new section for section 47 of the B. & O. Act II of 1915.*—For section 47 of the said Act the following section shall be substituted, namely :—

"47. *Penalty for unlawful import, export, transport, manufacture, possession, consumption, sale etc.*—If any person, in contravention of this Act, or of any rule, notification, or order made, issued or given or license, permit or pass granted under this Act—

(a) imports, exports, transports, manufactures, possesses, consumes or sells any intoxicant ; or

(b) cultivates any hemp-plant ; or

(c) collects or sells any portion of the hemp-plant from which an intoxicating drug can be manufactured or produced ; or

(d) bottles any liquor for purpose of sale ; or

(e) works any distillery or brewery ; or

(f) uses, keeps or has in his possession any material still, utensil, implement or apparatus whatever for the purpose of manufacturing any intoxicant other than *tari* ; or

(g) establishes any distillery, brewery or werehouse ;

(h) removes any intoxicant from any distillery, brewery, warehouses, other place of storage licensed, established, authorised or continued under this Act,

he shall be punished with imprisonment for a term which may extend to three years and shall be liable to fine which may extend to five thousand rupees and in default of payment of fine, he shall be punished with a further Imprisonment for a term which may extend to one year :

Provided that this punishment shall be—

(1) for the first offence **he** shall be liable for imprisonment for a term which shall not be less than three months and a find of not less than five hundred rupees and in default of payment of fine, a further imprisonment for a term of fifteen days ;

(2) for the second and subsequent offences he shall be liable for imprisonment for a term which shall not be less than six month and a fine of not less than one thousand rupees and in default of payment of fine a further imprisonment for a term of one month."

11. *Insertion of a new section 47A after section 47 in B & O. Act II of 1915* —After section 47, the following new section 47A shall be inserted, namely :—

"47-A. *Penalty for offences committed by any Company.*—Where any offence punishable under this Act is committed by a Company, and it is proved that the offence has been committed with the consent or convenience of or is attributable to any neglect on the part of any Director, Manager, Secretary, Agent, Officer or person concerned in the management of the Company, such Director, Manager, Secretary, Agent, Officer or person concerned shall be liable to be proceeded against and punished accordingly.

For the purpose of this section—

(a) 'Company' means a body corporate and includes a firm or other association of individuals ; and

(b) 'Director' in relation a to firm means a partner of the firm."

12. *Substitution of new section for section 49 of the B. & O. Act II of 1915.*—For section 49 of the said Act the following section shall be substituted, namely :—

"49. *Penalty for altering or attempting to alter any denatured spirit.*— If any person alters or attempts to alter any denatured spirit, whether manufactured in India or not, with the intention that such spirit may be used for human consumption, whether as a beverage, or internally as a medicine or in any other way, whatsoever, by any method whatsoever ; or has in his possession any spirit in respect of which he knows or has reasons to believe that any such alteration or attempt has been made ;

he shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees and in default of payment of fine, shall be punished with a further imprisonment for a term which may extend to one year :

Provided that this punishment shall be—

(1) for the first offence he shall be liable for imprisonment for a term which shall not be less than three months and a fine of not less than five hundred rupees, and in default of payment of fine, a further imprisonment for a term of fifteen days ;

(2) for the second and subsequent offences, he shall be liable for imprisonment for a term which shall not be less than six months and a fine of not less than one thousand rupees, and in default of payment of fine, a further imprisonment for a term of one month."

13. *Amendment of section 54 of the B. & O. Act II of 1915.*—In section 54 of the said Act, for the word 'Eighteen" the word "twenty-one" shall be substituted.

14. *Substitution of a new section for section 55 of the B. & O. Act II of 1915.*—For section 55 of the said Act the following section shall be substituted, namely :—

"55. *Penalty for possession of intoxicant in respect of which an offence has been committed.*—If any person, without lawful authority, has in his possession, any quantity of any intoxicant, knowing or having reason to believe the same to have been unlawful imported, transported, manufactured, or knowing or having reason to believe that the prescribed duty has not been paid thereon, he shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to five thousand rupees in default of payment of fine, shall be punished with a further imprisonment for a term which may extend to one year :

Provided that, except for such small quantities of intoxicant as may be specified in this behalf, the punishment for the offence shall be—

(a) for the first offence, he shall be liable for imprisonment for a term which shall not be less than three months and a fine of not less than five hundred rupees, and in default of payment of fine further imprisona term of fifteen days :—

(b) for the second and subsequent offences, imprisonment for a term which shall not be less than six months, and a fine of not less than one thousand rupees and in default of payment of fine a further impriment for sonment for a term of one month."

15. *Substitution of a new section for section 64 of the B & O. Act II of 1915.*—For section 64 of the said Act, the following section shall be substituted, namely :—

"64. *Punishment for attempt to commit or abet the commission of the offence.*—Whosodver attempts to commit or abets the commission of an offence punishable under this Act, shall be liable to the punishment provided for such offences."

16. *Amendment of section 65 of the B. & O. Act II of 1915.*—In the proviso to section 65 of the said Act. for the words and figures "XXII of Code of Criminal Procedure, 1898 (5 of 1898)" the words and figures "XXI of the Code of Criminal Procedure, 1973 (Act 2 of 1974)" shall be substituted.

17. *Amendment of section 77 of the B. & O. Act II of 1915.*—In section 77 of the said Act for the words "Chapter XV of the Code of Criminal Procedure, 1898" the words "Chapter XIII of the Code of Criminal Procedure, 1973 (Act II of 1974)" shall be substitued.

18. *Amendment of section 78 of the B. & O. Act II of 1915.*—(a) In section 78 of the said Act for the words and figures "Code of Criminal Procedure, 1898 (5 of 1898)" the words "Chapter III of the Code of Criminal Procedure, 1973 (Act 2 of 1974)" shall be substituted.

(b) In clause (b) shall be substituted for the figures "54" the figure '41" and for the figure "56" of sub-section (i) figure"55" shall be substituted.

19. *Amendment of section 79 of the B. & O. Act II of 1915.*—(a) For sub-section 4 of section 79 of the said Act, the following sub-section shall

be substituted :—

"(4) Whenever any person is arrested for any offence punishable under any section of this Act other than section 47, section 49, section 55 or section 56 of the Act, otherwise than under a warrant, and is prepared to give bail, he shall be released on bail, or at the discretion of the officer releasing him on his bond The offences punishable under section 47, section 49, section 55 and section 56 shall be non-bailable and the provisions of the Code of the Criminal Procedure, 1973 (Act 2 of 1974) in this regard shall apply to such offences."

(b) For sub-section (7) of section 79 of the said Act, the following sub-section shall be substitued, namely :—

"(7) The provision of section 440 to section 444, 445, 446 and 449 of the Code of Criminal Procedure, 1973 (Act 2 of 1974), shall, apply so far as may be, in every case in which bail is accepted or a bond taken under this section."

20. *Amendment of section 84 of the B. & O. Act II of 1915.*—In sub-section (2) of section 84 of the said Act for the words and figures "section 167 of the Code of Criminal Procedure, 1898 (5 of 1898)" the words and figures "section 167 of the Code of Criminal Procedure, 1973 (Act 2 of 1974)" shall be substituted.

21. *Amendment of section 85 of the B. & O. Act II of 1915.*—In section 85 of the said Act for the figures "1898" the figures "1973" shall be substituted.

22. *Substitution of a new section for a new section 86A of the B. & O. Act II of 1915.*—For section 86A of the said Act, the following section shall be subituted, namely :—

"86A. *Scales of punishment from the date of publication of this Ordinance.*—Any person found guilty of any offence against the provisions of Bihar and Orissa Excise Act from the date of publication of this Act, shall be punished according to the existing scales of punishment as provided under the Act."

23. *Amendment of section 88 and 89 of the B. & O. Act II of 1915.*—In sections 88 and 89 of the said Act for the figures and word "1898 (5 of 1898)" the figures and words "1973 (Act 2 of 1974)" shall be substituted.

24. *Repeal and Savings.*—(1) The Bihar and Orissa Excise (Amendment) Ordinance, 1984 (Bihar Ordinance No. 14 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have done or taken in exercise of powers conferred by or under this Ordinance as if this Ordinance was in force on the day on which such thing or action done or taken.

A. R. KIDWAI,
Governor of Bihar.

Dated the 1st March, 1985.

your behalf before me to prove your claims. If you or any of your representatives aforesaid do not appear on the said date, the case will be decided exparte.

You are also hereby informed to produce all witnesses and documents which you want to prefer in support of your claims by the said date of hearing.

Issued this.................day of...........................under may hand and seal.

....

Appellate Authority."

THE BHOPAL GAS TRASADI (JANGAM SAMPATI KE NIKRAYON KA SHOONYA GHOSHIT KIYA JANA),ADHINIYAM, 1985

The following Act received the assent of the President on the 1st May, 1985 and was published in the *Madhya Pradesh Gazette, (Ext.)*, dated the 3rd May, 1985.

MADHYA PRADESH ACT NO. 8 OF 1985

An Act to declare certain transactions of sale of movable property entered into by certain persons under panic caused by leakage of injurious gas from Union Carbide Factory, Bhapal to be void

Be it enacted by the Madhya Pradesh Legislature in the Thirty.sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Bhopal Gas Trasadi (Jangam Sampati Ke Vikrayon Ka Shoonya Ghoshit Kiya Jana) Adhiniyam, 1985.**

(2) It shall be deemed to have come into force on the 24th day of January, 1985.

2. *Definitions.*—In this Act unless the context other requires,—

"affected area" means the area comprised within the limits of Municipal Corporation, Bhopal.

3. *Application to declare transaction of sale to be void.*—(1) Any person residing in the affected area who has under panic caused by leakage of injurious gas from Union Carbide Factory, Bhopal sold any of his movable property during the period 3rd December, 1984 to 24th December, 1984 to any person may apply to the competent authority to be appointed by the State Government which shall not be below the rank of Collector for declaring the transaction of sale to be void.

(2) Every application under sub-section (1) shall contain the following particulars, namely :—

(i) name of the seller with address ;
(ii) name of the purchaser with address ;
(iii) details of movable property sold ;
(iv) consideration received ;
(v) date and place of sale ; and
(vi) such other particulars may be required.

(3) The statements in the application shall be verified by the applicant in the manner required by law for the verification of plaints.

4. *Enquiry by competent authority.*—(1) The competent authority may on receipt of an application under section 3 make such preliminary enquiry as it may in the circumstances of the case deem fit to ascertain whether

the transaction of sale is of the nature specified in section 3 and on being satisfied that section 3 applies to such transaction, it shall after recording its opinion therefor, proceed to conduct an enquiry into such transaction in the manner hereinafter provided.

(2) The competent authority shall by notice served on the parties to the transactions of sale call upon them to place all relevant facts and documents before it at such place, on such date and at such time as may be specified in the notice.

(3) The Competent Authority shall at the place and at the date and time spacified in the notice afford an opportunity to the parties of being heard in person and may, if necessary, examine all of the parties interested in the sale to elucidate information relevant to the sale.

5. *Setting aside sale and return of movable property or affording other relief.*—(1) If after the enquiry the competent authority is satified that—

(i) the transaction of sale is of the nature specified in section 3; and

(ii) the consideration paid in such transaction of sale was not adequate according to the market value of such property prevailent on the date of sale,

it shall declare such transaction to be void notwithstanding anything contained in any other law for the time being in force and shall,—

(a) pass an order to return the property sold on repayment of the amount of consideration by the seller;

(b) if the purchaser fails to return the property within fifteen days of the order passed under clause (a) or where in the opinion of the competent authority it is not feasible to return the property, pass order directing the purchaser to pay the difference of price under sub-section (2);

(c) pass such other consequential order as may be necessary.

(2) Where the purchaser fails to return the property or for any reason to be recorded in writing it is not possible to return the property to the seller, the competent authority shall fix the price of such property according to the market value of such property prevailent on the date of sale and order the purchaser to pay the difference, if any, between the price so fixed and the amount of consideration actually paid to the seller within a period of fifteen days.

(3) If the purchaser fails to pay the difference of price ordered to be paid under sub-section (2) within the period specified therein the same shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the seller.

6. *Penalty.*—Whoever contravenes the provisions of section 5 shall, without prejudice to any action that may be taken by the competent authority under sub-section (3) of section 5, be punishable with imprisonment which may extend one year or with fine which may extend to one thousand rupees or with both.

7. *Appeal.*—Any person aggrieved by an order of the competent authority under section 5, may within a period of thirty days of passing of such order, appeal to such authority as may be appointed by the State Government in this behalf, in such form and manner and accompanied such fee as may be prescribed:

Provided that in computing the period aforesaid, time requisite for obtaining the copy of the order appealed against shall be excluded.

8. *Finality of order.*—Every order made by the appellate authority in appeal or any order of the competent authority shall, if no appeal is filed, be final and shall not be called in question in any court, tribunal or authority by way of appeal or revision or in any original suit application or execution proceeding.

9. *Bar of jurisdiction of civil court.*—No civil court shall have any jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the competent authority or the Appellate Authority.

10. *Enquiries and proceedings to be judicial proceedings.*—All enquiries and proceedings before the competent authority or the appellate authority shall be deemed to be judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code, 1860 (No, 45 of 1860) and for the purposes of section 196 thereof.

11. *Repeal.*—The Bhopal Gas Trasadi (Jangam Samapatti Ke Vikrayon Ka Shoonya Ghoshit Kiya Jana) Adhyadesh, 1985 (No. 4 of 1985), is hereby repealed.

THE PRISONERS (MADHYA PRADESH AMENDMENT) ACT, 1985

The following Act received the assent of the Governor on the 26th May, 1985; and was published in the "*Madhya Pradesh Gazette*" (*Ext.*), dated the 5th June 1985.

MADHYA PRADESH ACT NO. 10 of 1985

An Act further to amend tho prisoners Act, 1900 in its application to the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called **the Prisoners (Madhya Pradesh Amendment) Act, 1985.**

2. *Amendment of Central Act No 3 of 1900 in its application to the State of Madhya Pradesh.*—The Prisoner Act, 1900 (III of 1900) (hereinafter referred to as the Principal Act), shall, in its application to the State of Madhya Pradesh, be amended in the manner hereinafter provided.

3. *Substituted of new Part VI-A*—For Part VI-A of the principal Act, the following Part shall be substituted, namely :—

"PART VI-A—LEAVE AND EMERGENCY LEAVE TO PRISONERS

31-A. *Grant of leave to Prisoners.*—(1) Subject to the provisions to this part and to such conditions as may be prescribed, the State Government or any authority to which the State Government may delegate its powers in this behalf may grant leave to any prisoner who has been sentenced to a term of imprisonment of not less than three years, for a period not exceeding twenty one days in a year, exclding the time required for journeys to the first place of his visit immediatly after departure from the prison and from the place of last visit to the person back.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as a habitual criminal for the purpose of the rules for the time being in force made under the Prisons Act, 1894 (IX of 1894) and who has more than three previous convictions.

(3) Leave shall not be admissible to e prisoner during a year under

sub-section (1)—

(i) for more than two occasions ;

(ii) for a period of less than ten days ; and

(iii) unless a period of three months has elapsed since the expiration of leave last availed of during the year and the commencement of the leave applied for.

(4) No Prisoner shall be granted leave under sub-section (1), unless,—

(a) he has at the time of the grant of leave served one-half of his sentence including remission, or a period of not less then two years of his sentence, including remission whichever is less ;

(b) he has not been punished for a prison offence under Section 46 of the Prisons Act, 1894 (IX of 1894) during twelve months preceeding the date of commencement of the leave applied for.

(5) The period of leave of a prisoner under sub-section (1) shall count towards the total period of his sentence.

(6) The authority directing the grant of leave to any prisoner under sub-section (1) may require him to enter into a bond with or without sureties for due observance of conditions specified in the direction.

(7) If any prisoner granted leave under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfieted and any person bound thereby shall be liable to penalty thereof.

(8) If a prisoner has violated the conditions of leave or bond, he shall not be entitled to leave under sub-section (1) during the remaining period of his sentence.

31-B. *Power to grant leave to prisoners on grounds of emergency.*—(1) Notwithstanding anything to the contrary contained in section 31-A or in any other law for the time being in force, the State Government or any authority to which the State Government may delegate its powers in this behalf, may sanction emergency leave to a prisoner who is entitled to grant of leave under Section 31-A for a period not exceeding fifteen days, excluing the time required for journey to the first place of his visit immediatly after departure from the prison and from the place of last visit to the prison back, subject to such conditions as may be prescribed and may, at any time cancel the leave.

(2) Emergency leave under sub-section (1) may be granted to a prisoner in case of death of his or her spouse, son, daughter, father, mother, brother, sister, paternal or maternal grand father or grand mother or in case of his or her own marriage or the marriage of his or her son, daughter, brother and sister.

(3) The authority directing the grant of emergency leave to any prisoner under sub-section (1) may require him to enter into a bond with or without sureties for due observance of conditions specified in the direction.

(4) If any prisoner granted emergency leave under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to penalty thereof.

(5) No prisoner shall be granted emergency leave under sub-section

of the Republic of India :—

1. *Short title and Commencement*—(1) This Ordinance may be called **the Orrissa Municipal Councils (Postponement of Elections No. 2) Ordinance, 1984.**

(2) it shall come into force at once.

2. *Definitions*—(1) In this Ordinance, unless the context otherwise requires,—

(a) "Municipal Council" means a Municipal Council constituted under the Municipal Act and shall include Notified Area Council constituted thereunder ;

(2) Words and expressions used in this Act, but not defined herein, shall have the same meaning as assigned to them respectively, under the Municipal Act.

3. *Postponement of general election in Municipal Councils*—Notwithstanding anything contained in the Municipal Act or in any rules made or orders issued thereunder :—

(a) all proceedings or actions, excepting those action taken for delimitation of wards and reservation of seats for members of Scheduled Castes and Scheduled Tribes taken in furtherance of holding general elections for the reconstitution of Municipal Councils as specified in column (2) of the Schedule appended hereto are hereby cancelled ; and

(b) the general election for the reconstitution of the said councils shall be held in accordance with the provisions of the Municipal Act and the Rules made thereunder on such date, not being later than the 31st December, 1985, as may be fixed by the State Government and the elections so held, shall, for all purposes, be deemed to be a general election held under the said Act.

4. *Performance of the duties of Council and Chairman*—The persons or the body of persons as specified in Column (3) in respect of the corresponding Municipal Councils as mentioned in column (2) of the Schedule are hereby empowered to exercise all the powers and perform all the functions of the Councils and its Chairman under the provisions of the Municipal Act and Rules made thereunder, until otherwise ordered by the State Government, till the succeeding elected council and its Chairman take office or the 31st December, 1985, whichever is earlier.

5. *Repeal*—The Municipal Council (Holding of Election and Validation) Act, 22 of 1984 is hereby repealed.

SCHEDULE

Sl. No. (1)	Name of the Council (2)	Persons or body of persons empowered to exercise powers and perform the duties of Council and Chairman (3)
1	Banki Notified Area Council ...	Subdivisional Officer, Banki
2	Bhadrak Notified Area Council ...	Subdivisional Officer, Bhadrak
3	Jaleswar Notified Area Council ...	Subdivisional Officer, Sadar Balasore

(1)	(2)	(3)
4	Kavisuryanagar Notified Area Council	Subdivisional Officer, Chatrapur
5	Aska Notified Area Council	Subdivisional Officer, Bhanjanagar
6,	Barapali Notified Area council	Subdivisional Officer, Bargarh
7.	Brajarajnager Notified Area Council	Subdivisional Officer, Jharsuguda
8.	Patnagarh Notified Area Council	Subdivisional Officer, Patnagarh
9.	Gunpur Notified Area Couniil	Subdivisional Officer, Gunpur
10.	Joda Notified Area Council	Subdivisional Officer, Champua
11.	Bolangir Municipal Council	District Magistrate, Bolaugir
12.	Puri Municipal Council	District Magistrate, Puri
13.	Barbil Municipal Council	Subdivisional Officer, Champua
14.	Rourkela (civil township) Notified Area Council.	Council appointed in H. & U. D. Department notification No. 49888-HUD. dated 22nd November, 1983, read with No. 45364-HUD, dated 22nd November, 1984.

THE ORISSA DEVELOPMENT AUTHORITIES (AMENDMENT) ACT, 1984

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 29th May, 1984, was published in the *Orissa Gazette* (*Ext.*), No. 973, dated June 6, 1984.

ORISSA ACT 15 of 1984

An Act to amend the Orissa Development Authorities Act, 1982

Be it enacted by the Legislature of the State of Orissa in the Thirty-fifth Year of the Republic of India, as follows:—

1. (1) This Act may be called the **Orissa Development Authorities (Amendment) Act, 1984.**

(2) It shall come into force at once.

2. *Amendment of section 98.*—In section 98 of the Orissa Development Authorities Act, 1982, (Orissa Act 14 of 1982) to Sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that the Authority or any person authorised by it in this behalf shall not withdraw any legal proceeding pending in—

(i) Criminal Court without the consent of that court, and

(ii) Civil Court without the leave of that court, wherever it is necessary under the provisions of the Code of Civil Procedure, 1908 (Act 5 of 1908)".

THE ORISSA APPROPRIATION (VOTE ON ACCOUNT) ACT, 1985

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 27th March 1985, was published in the *Orissa Gazette* (*Extraordinary*), dated March 28, 1985.

ORISSA ACT 2 OF 1985

An Act to provide for the withdrawal of certain sums from and out of the consolidated fund of the State of Orissa for the services of a part of the Financial Year 1985-86

Be it enacted by the Legislature of the State of Orissa in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called **the Orissa Appropriation (Vote on Account) Act, 1985.**

(Text omitted)

Published in the *Orissa Gazette (Ext.)*, No. 1708, dated September 27, 1984.

COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

S.R.O. No. 1238/84—(*the 25th September, 1984*).—In pursuance of the powers conferred by section 110 of **the Motor Vehicles Act, 1939** (4 of 1939) and in partial modification of the notification of the Government of Orissa in the Transport Department No. 3411-TAR-4/58-T., dated the 4th June, 1958, the State Government do hereby constitute the **First Motor Accident Claims Tribunal for the district of Boudh-Khandamals** and appoint the District and Session Judge Boudh-Khandamals as the member thereof for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of Motor Vehicles, or damages to any property of a third party so arising, or both.

Published in the *Orissa Gazette (Ext.)*, No. 342, dated February 25, 1985.

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S.R.O. No. 131/85—(*the 19th/20th, February, 1985*)—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940 was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), in the Extraordinary issue No. 2171 of the *Orissa Gazette*, dated the 12th December, 1984, in the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 190—LC.-II-Gen.-9/84-T., dated the 6th December, 1984, bearing S. R. O. No. 1415/84, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification ;

And whereas no objections have been received by the State Gove nment in respect of the said draft.

Now, therefore, in exercise of the powers conferred by sections 21 and 41 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1 (i) These rules may be called **the Orissa Motor Vehicles (Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the official Gazette

2. In the Orissa Motor Vehicles Rules, 1940 (hereinafter referred to as the said rules), in rule 4 for clause (i) the following clause shall be substituted, namely :—

"(i) in the case of Panposh Subdivision and Bonai Subdivision in Sundargarh district, the Regional Transport Officer, Rourkela and in the case of Police district of Bhubaneswar, the Regional Transport Officer, Bhubaneswar, and".

3. In rule 25 of the said rules for clause (i) the following clause shall be substituted, namely :—

"(i) in the case of Panposh Subdivision in Sundargarh district, the Regional Transport Officer, Rourkela and in the case of Police district of Bhubaneswar, the Regional Transport Officer, Bhubaneswar, and".

Publishedi n the *Orissa Gazette*, (*Ext.*), No. 909, dated May 28, 1984.

HOUSING & URBAN DEVELOPMENT DEPARTMENT

S. R. O. No. 550/84.—(*The 25th May, 1984*).—In exercise of the powers conferred by Section 21 of the Orissa House Rent Control Act, 1967 (Orissa Act 4 of 1968), the State Government do hereby make the following rules further to amend the Orissa House Rent Control Rules, 1968, namely :—

1. (1) These rules may be called **the Orissa House Rent Control (Amendment) Rules, 1984**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa House Rent Control Rules, 1968, Form "E", the following Form shall be substituted, namely :—

FORM "E"

Register of Applications under the Orissa House Rent Control Act, 1967

Date of application	Serial Number	Name and address of the applicant	Name and address of the opposite party	Description of the house
(1)	(2)	(3)	(4)	(5)

Section of the Statute, under which the application is made	Relief sought for	Mode of disposal with date		
		Transferred to other Courts	Result	With or without contest/on admission/on compromise
(6)	(7)	(8)	(9)	(10)

Number of days taken for hearing	Number and year of appeal	Date of disposal of the appeal	Result of the appeal	Remarks
(11)	(12)	(13)	(14)	(15)

THE
Current Indian Statutes
SUPPLEMENT
MAHARASHTRA & GUJARAT
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(See rule 50 of the Bombay Sales Tax Rules, 1959)

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Refund Payment Order

FORM 34A

(Under the Bombay Sales Tax Act, 1959, Rule 50 of Bombay Sales Tax Rules, 1959).

Ward :....... ...., Unit : ...., Place :..........
Pay ....
Rupees....... ... ... (Rs. ....)
being refunded for the period from .... to ....
to the holder of R. C. No ....
Reserve Bank of India,

Byculla, Bombay,

Sales Tax Officer/Asstt. Commissioner
of Sales Tax.

FORM NO 34A

Government of Maharashtra (*For office use only*)
R. P. O. No. ....

(Counterfoil of refund payment order under the Bombay Sales Tax Act, 1959, Rule 50 of Bombay Sales Tax Rules, 1959)

Ward : ...., Unit : ....Place :...........
Refund Sanction Order No. ....
Date : ....

Payable at Reserve Bank of India,
Byculla, Bombay.

Refund payable to ....
holder of R. C. No: .... Rupees ....
(Rs. ....)

Certified that—

(i) For the period from .... to .... a refund of Rs. ....is due to ....

(ii) The amount of tax concerning the refund has been duly credited to Government Treasury.

(iii) No refund regarding the sum now in question has previously been granted and this order of refund has been entered in the file of assessment under my signature.

Sales Tax Officer/Asstt. Commissioner
Date .... of Sales Tax.".

Published in the *Maharashtra Government Gazette*, Part IV-Aa, dated April 18, 1985

FINANCE DEPARTMENT

No. CST. 1085/CR-7/85/RES-7.—(*Mantralaya. Bombay 400 032, dated the 30th March 1985*).—In exercise of the powers conferred by sub-section (3) of section 13 read with section 9-A of the Central Sales Tax Act, 1956 (LXXIV of 1956) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Central Sales Tax (Bombay) Rules, 1957, namely :—

1. (1) These rules may be called **the Central Sales Tax (Bombay) (Amendment) Rules, 1985.**

(2) They shall come into force on the 1st April, 1985.

2. In rule 9B of the Central Sales Tax (Bombay) Rules, 1957 (hereinafter referred to as "the principal rules"), in sub-rule (2), for the words letter, brackets and figure 'in Form XI(B).' the following shall be substituted, namely :—

"in Form XI (B) or in Form XI(B) (i).".

3. After Form XI(B) appended to the principal rules, the following shall be inserted, namely :—

"FORM XI(B)(i)

[See rule 9B (2) of Central State Tax (Bombay) Rules, 1957]

Government of Maharashtra .... 19 ....

Refund Payment Order

FORM NO. XI(B) (i)

[Rule 9B (5) of Central Sales Tax (Bombay) Rules, 1957]

Ward : .... Unit : .... Place : ....

Pay...

Rupees .... [Rs.]

being refund for the period from......................to...... .....

to the holder of R.C. No. ....

Reserve Bank of India,
Byculla, Bombay.

Sales Tax Officer/Asstt. Commissioner of Sales Tax

FORM NO. XI (B)(i)

(*For office use only*)

R.P.O. No................

Government of Maharashtra

[Counterfoil of refund payment order Rule 9B(2) of Central Sales Tax (Bombay) Rule 1957]

Ward : .... Units : .. .. Place : ....

Payable at Reserve Bank of India,
Byculla, Bombay.

Refund Sanction No. ....

Date : ....

Refund payable to
holder of R.C./E.C. No.

Rupees........................ Rs...........................

Certified that—

(i) For the period from..................to..................a refund of Rs..................due to..................

(ii) The amount of tax concerning the refund has been duly credited to the Government Treasury.

(iii) No refund regarding the sum now in question has previously been granted and this order of refund has been entered in the file of assessment under my signature.

Date : Sales Tax Officer/Asstt. Commissioner of Sales Tax."
(Full signature)

Published in the *Maharashtra Government Gazette*, Part IV-Ka, dated May 16, 1985.

BY THE HIGH COURT OF JUDICATURE AT BOMBAY ORIGINAL SIDE

No. G/2116.—*(Bombay 400 032, 2nd May 1985)*.—The Honourable the Chief Justice and Judges with the previous approval of the Governor of Maharashtra are pleased to make the following **amendments in the Rules and Forms of the High Court of Judicature at Bombay (Original Side), 1980** :-

Substitute the following Rule and marginal note for the existing Rule 270 and marginal note thereto on page 44 :—

270. *Charges for certified copies*—(1) The following shall be the rates for obtaining the cerified copies of documents :—

(a) For copying and comparing documents, 40 paise per folio of 100 words, or a fraction thereof ;

(b) For copying and comparing documents in tabular form twice the rate mentioned in item (a) ;

(c) For comparing private copies of documents produced for certification as true copies, 20 paise per folio of 100 words or a fraction thereof ;

(d) For copying may or plan such fees not exceeding Rs. 25 and not less than Rs. 2 as the Prothonotary and Senior Master may determine ;

(e) For copying and comparing copies prepared on Xerox Machine Rs. 1.50 paise per page ;

(f) For copying and comparing urgent copies prepared on Xerox Machine Rs. 2.25 paise per page.

(2) When Advocate or a party applies for more than one certified copy of any document, he may also state in the application itself, whether he requires, carbon copies of the said documents. In such cases, the Office shall issue to him a maximum of five carbon copies (in addition to the original certified copy at full rates) and shall charge for each such carbon copy one fourth of the fees prescribed for a single certified copy of the document in question with a minimum of 15 paise.

K. R. BHARUCHA,
Prothonotary and Senior Master,
High Court, Bombay,

Published in the *Gujarat Govt. Gazette*, Part IV-A, No. 17, dated 25th April, 1985.

HOME DEPARTMENT

No. GH/G/85/105/MVR/1085/113/E2.—*(Sachivalaya, Gandhinagar, 1st April, 1985)*.—Whereas the draft rules further to amend the Bombay Motor Vehicles Rules, 1959, were published as required by sub-section (1) of Section 133 of the Motor Vehicles Act, 1939 (IV of 1939). at pages 26.1 to 26.2 of the Gujarat Government Gazette, Extraordinary, Part-IV-A, dated 15th February, 1985, under the Government Notification, Home Department No. GH/G/85/70/MVR/1085/113/E2, dated 15th February, 1985. inviting objections and suggestions from all persons likely to be affected there by.

And whereas no objections and suggestions were received from any person on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (IV of 1939), read with section 24 thereof, the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, namely :—

1. These rules may be called **the Bombay Motor Vehicles (Gujarat Second Amendment) Rules, 1985.**

2.. In the Bombay Motor Vehicles Rules, 1959, in the third Schedule,—

(a) in the entries relating to the Regional Transport Officer, Nadiad, in column 2, in the group of letters applicable to transport vehicles, after the group of letters 'GTJ', the group of the letters 'GQG' shall be inserted.

HOME DEPARTMENT

No: **GH/G/85/106/MVR/1083/7766/E-2.**—(*Sachivalaya, Gandhinagar, 1st April, 1985*) —Whereas the draft rules further to amend the Bombay Motor Vehicles Rules, 1959, were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (IV of 1939), at pages 26.2 to 26.3 of the Gujarat Government Gazette, Extraordinary, Part-IVA, dated 15th February, 1985, under the Government Notification, Home Department No. GH/G/85/71/MVR/1083/7766/E-2, dated 15th February, 1985 inviting objections and suggestions from all persons likely to be affected thereby.

And whereas no objections and suggestion were received from any person on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (IV of 1939), read with section 24 thereof, the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, namely :—

1. These rules may be called **the Bombay Motor Vehicles (Gujarat Third Amendment) Rules, 1985**.

2. In the Bombay Motor Vehicles Rules, 1959, in the Third Schedule,—

(a) in the entries relating to the Regional Transport Officer, Surat, in column 2, in the group of letters applicable to the vehicles other than transport vehicles, after the groups of letters 'GAU' the groups of letters 'GUC' shall be inserted.

Published in the *Gujarat Govt. Gazette*, Part IV-B, No. 20, dated 16th May, 1985.

SOCIAL WELFARE DEPARTMENT

No. **GHL-10(A)-OPM-1083-31848(84)-M.**—(*Sachivalaya, Gandhinagar, 14th March, 1984*).—Whereas certain draft rules further to amend the Gujarat Poppy Capsules Rules, 1963 were published as required by sub-section (3) of section 143 of the Bombay Prohibition Act, 1949 (Bombay XXV of 1949) at page 219-1 to 219-3 of the Gujarat Government Gazette, Extraordinary, Part IV-B, dated 11th October, 1984, under the Government Notification, Social Welfare Department No. GHL-27-OPM-.1083-31848 (84)-M, dated the 11th October, 1984 inviting objections and suggestions from all persons likely to be effected thereby till the 30th November, 1984.

And Whereas no objections and suggestions have been received by the Governmant.

Now, Therefore, in exercise of the powers conferred by clause (b) of sub-section (2) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), the Government of Gujarat hereby make the following rules further to amend the Gujarat Poppy Capsules Rules, 1963, namely :—

1. These rules may be called **the Gujarat Poppy Capsules (Gujarat Amendmeet) Rules, 1985.**

2. In the Gujarat Poppy Capsules Rules. 1963 in the counterfoil, duplicate, triplicate and quadruplicate of FORM POPPY-3 appended to the said rules, in condition (2) for the figures and words "for 15 days" the figures and words "for 30 days" shall be substituted.

REVENUE DEPARTMENT

No. GHM-55/31(A)/M-STP-1083-1794-H.1.—*(Sachivalaya, Gandhinagar, 18th March, 1985)*.—In exercise of the powers conferred by Section 70 read with section 32-A of the Stamp Act, 1958 (Bom. LX of 1958), the Government of Gujarat hereby makes the following rules further to amend the Bombay Stamp (Determination of Market Value of property) Rules, 1984, namely :—

1. These rule may be called **the Bombay Stamp (Determinaticn of Market Value of property) Amendment Rules, 1985.**

2. In the Bombay Stamp (Determination of Market Value of property) Rules, 1984 (hereinafter referred to as "the said rules"), for rule 9, following shall be substituted, namely :—

"9. **Fine for breach of sub-rule (1) of Rule 3**

(1) Where any person presenting an instrument fails to furnish a statement in Form I as required by sub-rule (1) of rule 3 or furnishes a statement which is not true to the best of his knowledge and belief, he shall be liable to a fine not exceeding five hundred rupees.

(2) Where the Collector or any other officer authorised by the State Government in this behalf on report from the Registering Officer or otherwise is of the opinion that a person is liable to fine under sub-rule (1), he shall after giving opportunity of being heard to the person so liable impose such fine not exceeding five hundred rupees as he deems fit.

(3) If the person on whom fine is imposed under sub-rule (2) fails to pay such fine within a period of thirty days from the date of receipt of intimation the amount of fine shall be recoverable at arrears of land revenue."

3. In the said rules, in Form I appended to the rules after entry 10, for the words "a fine of five hundred rupees" the words "a fine not exceeding five hundred rupees" shall be substituted.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

No. GH/V/46 of 1965(A)/SUA-1079-856(85)R.—*(Sachivalaya, Gandhinagar, 25th March, 1985)*.—Whereas certain draft rules further to amend the Gujarat Education Cess Rules, 1962, were published as required by sub-section (3) of section 28 of the Gujarat Education Cess Act, 1962 (Guj. XXXV of 1962) at pages 7-1 to 7-2 of the Gujarat Government Gazette, Extraordinary, Part IV-B under the Government Notification, Urban Development and Urban Housing Department No. K/V/4 of 1985/SUA-1079-5136(84)R, dated the 9th January, 1985 inviting objections and suggestions from all persons likely to be affected thereby, till the 8th February, 1985.

And Whereas the objections and suggestions received in respect of the said draft have been considered by the Government ;

Now, Therefore, in exercise of the powers conferred by section 28 of the Gujarat Education Cess Act, 1962 (Guj. XXXV of 1962), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Education Cess Rules, 1962, namely :—

1. These rules may be called **the Gujarat Education Cess (Amendment) Rules, 1985**

2. In the Gujarat Education Cess Rules, 1962, in Rule 5, for the words "the following week" the words "the following fortnight" shall be substituted.

HOME DEPARTMENT

No GH/G/85/98/MVR/1084/5768/E2.—*(Sachivalaya, Gandhinagar, 22nd March, 1985)*.—Whereas the draft rules further to amend the Bombay Motor Vehicles Rules, 1959, were published as required by sub-section (1) of Section 133 of the Motor Vehicles Act, 1939 (IV of 1939), at pages 14-1 to 14-3 of the Gujarat Government Gazette, Extra Ordinary, Part-IV-A, dated 25th January, 1985, under the Government Notification, Home Department No. GH/G/85/38/MVR/1084/5768/E2, dated, 23rd January 1985, inviting objections and suggestions from all persons likely to be affected thereby.

And whereas no objections and suggestions were received from any persons on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by clause (e) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (IV of 1939) the Government of Gujarat hereby makes the following rules further to amend the Bombay Motor Vehicles Rules, 1959, namely :—

1. These rules may be called **the Bombay Motor Vehicle (Gujarat Tenth amendment) Rules, 1985.**

2. In the Bombay Motor Vehicles Rules, 1959, (hereinafter referred to as the "said Rules") in the third schedule—

(a) In the entry (XVII) relating to the Regional Transport Officer Bhavnagar, in column 3, for the bracket, figures and words "(776 to 875)" the bracket, figures and word "(801 to 875)" shall be substituted.

(b) After the entry (XVII) relating to the Regional Transport Officer, Bhavnagar the following new entry (XVIII) shall be inserted namely :—

"(xviii) Assistant Regional Transport Officer, Amreli.	GAX	Vehicles other transport vehicles.
	GQS	Transport vehicles.
	GJZ	(776 to 800) vehicles in Possession of dealers in trade certificate".

(c) In the entries relating to the Assistant Regional Transport Officer, Junagadh in column 2, in the group of letters applicable to the vehicles other than transport vehicles, after the group of latters "GAJ" group of latters "GUJ" shall be inserted.

(d) In the entries relating to the Assistant Regional Transport Officer, Mehsana, in column 2, in the group of letters applicable to the Vehicles other than transport vehicles, after the group of letters "GAQ" the group of letters "GAW" shall be inserted.

(e) In the entries relating to the Assistant Regional Transport Officer, Godhra, in column 2, in the group of letters applicable to vehicles other than transport vehicles after the group of letters "GAM" the group of letters "GUM" shall be inserted.

(f) In the entries relating to the Regional Transport Officer, Ahmedabad City in column 2, in the group of letters applicable to the vehicle other than transport vehicles, after the group of letters "GUI" the group of letters "GUG" shall be inserted.

(g) In the entries relating to the Regional Transport Officer Surat, in column 2, in the group of letters applicable to the transport vehicles, after the group of letters "GIT" the group of letters "GQC" shall be inserted.

3. In the said rules, in the fourth schedule :—

(a) In the entry (XV) relating to the Regional Transport Officer Bhavnagar in column 2, for the words figures "GIW" followed by "9701 to 9800" the words and figures "9626 to 9700", shall be substituted.

(b) After the entry (XVII) relating to the Assistant Regional Transport Officer, Bhuj the following new entry (XVIII) shall be inserted, namely :—

"(XVIII) Assistant Regional Transport Officer, Amreli.	"GJW"	followed by 9601 to 9625)"

Published in the *Gujarat Govt. Gazette*, Part IV-A, No. 22, dated 30th May, 1985.

INDUSTRIES, MINES AND POWER DEPARTMENT

No. GU-85-(32)(A)-MCR-2177-(100)-253-Chh.—(*Sachivalaya, Gandhinagar, 18th April, 1985*).—In exercise of the power conferred by section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957) the Government of Gujarat hereby makes the following rules further amend the Gujarat Minor Mineral Rules, 1966, namely :—

1. (1) These rules may be called **the Gujarat Minor Minerals (1st Amendment) Rules, 1985**.

(2) They shall come into force at once.

2. In the Gujarat Minor Mineral Rules, 1966

(1) In rule 19, for the word "Director" the words "Competent Officer" shall be substituted.

Published in the *Maharashtra Govt. Gazette*, Part IV-Aa, dated June 6, 1985.

REVENUE AND FORESTS DEPARTMENT

No. SWM. 1084/CR-13/A/F6.—(*Mantralaya, Bombay 400 032, dated the 17th May, 1985*).—In exercise of the powers conferred by sub-section (1A) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Forest Rules, 1942, namely :—

1. These rules may be called **the Bombay Forest (Amendment) Rules, 1985.**

2. In the Bombay Forest Rules, 1942, in rule 88, to sub-rule (3), the following proviso shall be added, namely :—

"Provided that, where the State Government is satisfied, having regard to the facts and circumstances in any case or class of cases and the need for conservation of forests, that any additional conditions, are required to be included in any licence or class of licences, the State Government may, by order, direct that such additional conditions as may be specified in the order shall be included in the licence or class of licences to be granted by the Divisional Forest Officer."

REVENUE AND FOREST DEPARTMENT

No. SWM. 1084/CR-13/B/F6.—*(Mantralaya, Bombay 400 032, dated the 17th May 1985).*—In exercise of the powers conferred by sub-section (1A) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch Areas) Rules, 1960, namely :—

1. These rules may be called **the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch Areas) (Amendment) Rules, 1985.**

2 In the Bombay Transit of Forest Produce (Vidarbha Region and Saurashtra and Kutch Areas) Rules, 1960, in rule 23, to sub-rule (3), the following proviso shall be added, namely :—

"Provided that, where the State Government is satisfied, having regard to the facts and circumstances in any case or class of cases and the need for conservation of forests, that any additional conditions are required to be included in any licence or class of licences, the State Government may, by order, direct that such additional conditions as may be specified in the order shall be included in the licence or class of licences to be granted by the Divisional Forest Officer."

REVENUE AND FORESTS DEPARTMENT

No. SWM. 1084/CR-13/C/F6.—(*Mantralaya, Bombay 400 032, dated the 17th May 1985*).—In exercise of the powers conferred by sub-section (1A) of section 41 of the Indian Forest Act, 1927 (XVI of 1927), in its application to the State of Maharashtra, and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, namely :—

1. These rules may be called **the Hyderabad Transit of Forest Produce (Bombay) (Amendment) Rules, 1985.**

2. In the Hyderabad Transit of Forest Produce (Bombay) Rules, 1958, in rule 23, to sub-rule (3), the following proviso shall be added, namely :—

"Provided that, where the State Government is satisfied, having regard to the facts and circumstances in any case or class of cases and the need for the conservation of forest, that any additional conditions are required to be included in any licence or class of licences the State Government may, by order, direct that such additional conditions as may be specified in the order shall be included in the licence or class of licences to be granted by the Divisional Forest Officer."

Published in the *Maharashtra Govt. Gazette* Part IV-Aa, dated
June 13, 1985

HOME DEPARTMENT

No. **MVR. 0183/511-TRA-2**,—(*Mantralaya, Bombay 400 032, dated the 27th May 1985*).—In exercise of the powers conferred by clause (ba) and (f) of sub-section (2) of section 41 of the Motor Vehicles Act, 1939 (IV of 1939), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Bombay Motor Vehicle Rules, 1959, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

1. These rules may be called **the Bombay Motor Vehicles (First Amendment) Rules, 1985.**

2. In the Bombay Motor Vehicle Rules, 1959, after rule 49, the following rule shall be inserted, namely :—

"**49A.** *Renewal of registration of motor vehicles other than transport vehicle.*—(1) An application for the renewal of a certificate of registration in respect of a motor vehicle, under sub-section (5) of section 24 of the Act, shall be made four months before the expiry of such certificate and an application for a subsequent renewal thereof shall be made one month before the expiry of such certificate.

(2) The application for renewal of a certificate of registration of a motor vehicle under sub-rule (1), shall be accompanied by the fees prescribed under sub-rule (1A) of rule 54.

(3) (a) The Registring authority, on receipt of an applicattion under sub-rule (2), shall cause the vehicle to be inspected by an Inspector of Motor Vehicle and shall renew the certificate of registration if the vehicle is found to be in mechanically fit condition. Such renewal shall remain valid for a period of five years from the date of the expiry of initial registration, and for a period of one year only in case of subsequently renewal.

(b) On inspection, if the Inspector of Motor Vehicle is satisfied that such vehicle is in a mechanically defective condition he shall issue to the owner thereof a memorandum in form M. V. Ins. to these rules using such items thereof as are applicable to non-transport vehicle and submit a copy thereof to the Registring Authority.

(c) If on receipt of a copy of such memorandum, the Registering Authority has reason to believe that owing to the mechanical defects, the vehicle is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of Chapter V of the Act or of the rules made thereunder, he may, by order, refuse to renew the certificate of registration in respect of that vehicle and shall furnish the applicant, a copy of such order, together with the reasons for such refusal.

(4) The Registering Authority shall record below the certificate of registration of the vehicle, the date of every inspection and whether it was found in mechanically fit or defective condition".

3, In rule 54 of the principal rules,—

(a) for the heading "Registration fee", the heading "Fees for issue and renewal of certificate of registration" shall be substituted; and

(b) after sub-rule (1), the following sub-rule shall be inserted, namely :—

"(1A) The fee for renewal of a certificate of registration of a motor vehicle, other than a transport vehicle, shall be—

(i)	in respect of an invalid carriage ...	five rupees ;
(ii)	in respect of a motor cycle ...	ten rupees ;
(iii)	in respect of a light motor vehicle ...	twenty-five rupees ;
(iv)	in respect of any other vehicle ...	fifty rupees".

4. In Rule 55 of the principal rules,—

(a) for the heading "*Exemption from payment of registration fees*" the heading "*Exemption from payment of fees for registration and renewal of registration*" shall be substituted ; and

(b) for the words "shall be exempted from payment of registration fee", the words "shall be exempted from payment of fees for registration and renewal of registration" shall be substituted.

5. For rules 202-A of the principal rules, the following shall be substituted, namely :—

"202-A. *Inspection of motor vehicles, other than transport vehicles.*—Notwithstanding anything contained in rule 49A, if the Registering Authority has reason to believe that owing to the mechanical, defects any vehicle, other than a transport vehicle, is in such condition that its use in a public place constitutes a danger to the public, or that it fails to comply with the requirements of Chapter V of the Act or of the rule made thereunder, he may cause such vehicle to be inspected by an Inspector of Motor Vehicles and after giving the owner an opportunity of making any representation as required under sub-section (1) of section 33, suspend the certificate of regitration of the vehicle under the said section till such time as the vehicle is produced for inspection duly repaired.

REVENUE AND FORESTS DEPARTMENT

No. PWR. 1082-CR-II-67-L-2.—*(Mantralaya, Bombay 400 032, dated the 7th May, 1985)*.—In exercise of the powers conferred by sub-section (1) and clauses (xxvii), (lxi) and (lxii) of sub-section (2) of section 328 read with sections 75, 239 and 327 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966) ; and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Land Revenue (Inspection. Search and Supply of Copies of Land Records) Rules, 1970, the same having been published as required by sub-section (1) of section 329 of the said Code, namely :—

RULES

1. These rules may be called **the Maharashtra Land Revenue (Inspection Search and Supply of Copies of Land Records) (Amendment) Rules, 1985.**

2. In rule 4 of the Maharashtra Land Revenue (Inspection, Search and Supply of Copies of Land Records) Rules, 1970 (hereinafter referred to as "the principal rules"), in the Schedule, thereto—

(A) in entry 1, in column 3, for the letter and figures "Rs. 15" the letters and figures "Rs. 22.50" shall be substituted ;

(B) In entry 2,—

(1) in clause (a), column 3, for the letters and figure "Rs. 2", the letters and figures "Rs. 3" shall be substituted ;

(2) in clause (b), in column 3, for the letters and figure "Re. 1" the letters, figure "Rs. 1.50" shall be substituted ;

3. In rule 7 of the principal rules, in the schedule—

(a) in entry 1, in column 3, for the letters and figures "Rs. 15.00" the letters and figures Rs. "22.50" shall be substituted ;

(b) in entry 2,

(1) against clause (a), in column (3), for the letters and figures "Rs. 5" the letters and figures "Rs. 7.50" shall be substituted ;

(2) against clause (b) in column 3, for the letters and figure "Rs. 2" the letters and figure "Rs. 3" shall be substituted ;

4. In rule 12 of the principal rules,

(A) in Schedule A—

(1) in entry 1, in column 3, for the letters, figures and word "Rs. 0.50 paise" the letters and figures "Rs. 0.75" shall be substituted ;

(2) in entry 2, in column 3, for the letter and figures and word "Re. 0.50 paise" the letters, and figures "Re. 0.75" shall be substituted ;

(3) in entry 3,—

(a) in clause (i), in column 3, for the letters and figure "Re. 1" the letters and figures "Rs. 1.50" shall be substituted ;

(b) in clause (ii), in column 3, for letters, figures and word "Rs. 0.50 paise" the letters and figures "Re 0.75" shall be substituted ;

(4) in entry 4, in column 3, for the words, letters and figures "Ten paise for every rupee of the amount of alternated revenue subject to the minimum of Rs. 2 and maximum of Rs. 15" the words, letters and figures "Fifteen paise for every rupee of the amount of alienated revenue subject to the minimum of Rs. 3 and maximum of Rs. 22.50" shall be substituted ;

(5) in entry 5, in column 3, for the words, letters and figures "One Rupee for every survey number or sub-division of a survey number subject to the minimum of Rs. 2" the letters, figures and words, "Rs. 1.50 for every survey number or sub-division of a survey number subject to the minimum of Rs 3" shall be substituted ;

(6) in entry 6, in column 3, for the letters and figure "Rs. 2" the letters and figure "Rs. 3" shall be substituted ;

(7) in entry 7,—

(a) in clause (i), in column 3, for the letters and figure "Rs. 5" the letters and figures "Rs. 7.50" shall be substituted ;

(b) in clause (ii), in column 3, for the letters and figure "Rs. 2" the letter and figure "Rs. 3" shall be substituted ;

(8) in entry 8,—

(a) in clause (i), in column 3, for the letters, figures and word "Rs. 0.50 paise" the letters and figure "Rs. 0.75" shall be substituted ;

(b) in clause (ii), in column 3, for the letters and figure "Rs. 1" the letter and figure "Rs. 1.50" shall be substituted ;

(9) in entry 9, in column 3,—

(a) for the letters and figure "Rs. 30" and for the letters and figure "Rs. 2" the letters and figures Rs. 45" and the letters and figure "Rs. 3" shall be substituted, respectively ;

(b) in the proviso, for the letters and figures "Rs. 10" the letters and figures "Rs. 15" shall be substituted ;

(10) in entry 10, clause (i) in column 3, for the letters and figure "Rs. 2" the letters and figure "Rs. 3" shall be substituted ;

(11) in entry 11,—

(a) in clause (i), in column 3, for the letters and figures "Rs 2.00" letter and figure "Rs. 3" shall be substituted ;

(b) in clause (ii), in column 3, for the letters and figure "Re. 1" the letters and figure "Rs. 1.50" shall be substituted ;

(B) in Schedule B, under the heading "For the City of Bombay"—

(1) in entry 1;

(a) in clause (a); in column 3, for the letters and figures "Rs. 10" the letters and figures "Rs. 15" shall be substituted ;

(b) in clause (b), in column 3, for the letters and figures "Rs. 12" the letters and figures "Rs. 18" shall be substituted ;

(c) in clause (c), in column 3, for the letters and figures "Rs. 14.00" the letters and figures "Rs. 21" shall be substituted ;

(d) in clause (d), in column 3; for the letters and figures "Rs. 17" the letters and figures "25.50" shall be substituted ;

(e) in clause (e), in column 3, for the letters and figures "Rs. 25" the letters and figures "Rs. 37.50" shall be substituted ;

(f) in clause (f), in column 3; for the letters and figures "Rs. 35" the letters and figures "Rs. 52.50" shall be substituted ;

(2) in entry 2,—

(a) in clause (a); in column 3, for the letters and figures "Rs 11" the letters and figures "Rs. 16.50" shall be substituted ;

(b) in clause (b), in column 3, for the letters and figures "13" the letters and figures "19.50" shall be substituted ;

(c) in clause (c), in column 3; for the letters and figures "Rs. 15.00" the letters and figures "Rs. 22.50" shall be substituted ;

(d) in clause (d), in column 3; for the letters and figures "Rs. 18.00" the letters and figures "Rs. 27.00" shall be substituted ;

(e) in clause (e), in column 3, for the letters and figures "Rs. 30" the letters and figures "Rs. 45" shall be substituted ;

(f) in clause (f), in column 3, for the letters and figures "Rs. 40" the letters and figures "Rs. 60" shall be substituted ;

(3) in entry 3, in column 3, for the letters and figures "Rs. 5" the letters and figures "Rs. 7.50" shall be substituted ;

(4) in entry 4, in column 3, for the letters and figures "Rs. 4" the letters and figures "Rs. 6" shall be substituted.

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2. In the Income-tax Rules, 1962, after rule 3, the following rule shall be inserted, namely :—

"3A. (1) For the purposes of sub-clause (vi) of clause (2) of section 17, simple interest of the loan referred to in the said sub-clause for any previous year shall be calculated at the rate specified by the Central Government under that sub-clause on the amount of the loan remaining outstanding as on the last day of each month falling in the previous year.

(2) For the purposes of determining the amount of loan remaining outstanding as on the last day of a month, the sums, if any, paid in any month by the employee to the employer towards the repayment of the loan or the payment of the interest due on the loan shall be deducted from the amount of the loan as outstanding on the first day of the month or when the loan is advanced during that month, from the amount so advanced, as the case may be, and interest under sub-rule (1) shall be calculated on such resultant amount."

Published in *the Gazette of India (Ext.)*, Part II, Sec. 3(i), No. 92, dated March 2, 1985.

MINISTRY OF FOOD & CIVIL SUPPLIES

G. S. R. 132 (E)/Ess. Com./Sugar—(*New Delhi. the 2nd March, 1985*)—In exercise of the powers conferred by sub-section (3C) of section 3 of the **Essential Commodities Act**, **1955** (10 of 1955), the Central Government hereby makes the following order to amend the Sugar (Price Determination for 1984-85 (Production) Order, 1985, namely :—

1 (1) This Order may be called **the Sugar (Price Determination for 1984-85 Production) Amendment Order, 1985.**

(2) It shall come into force at once.

2. In Schedule V of the Sugar (Price Determination for 1984-85 Production) Order, 1985—

(i) under the heading "HARYANA", after serial number 5 and the entry relating thereto, the following serial number and entry shall be inserted namely :—

"6. M/s. Shahbad Cooperative Sugar Mills Ltd., Shahbad Markhanda, District Kurukshetra."

(ii) under the heading "KARNATAKA", after serial number 25 and the entry relating thereto, the following serial number and entry shall be inserted, namely :—

"26. M/s. Dakshina Kannada Sahakari Sakhar Karkhana Ltd., Brahmavar—576213. Mangalore, District South Kanara."

(iii) under the heading "MAHARASHTRA" after serial number 77 and the entry relating thereto, the following serial numbers and entries shall be inserted, namely :—

"78. Shri Vighnahar Sahakari Sakhar Karkhana Ltd., Junnar, District Pune.

79. M/s. Shirpur Shetkari Sahakari Sakhar Karkhana Ltd., Postoffice Shirpur, District Dhule."

(iv) under the heading "UTTAR PRADESH (East)" after serial number 19 and the entry relating thereto, the following serial number and entry shall be inserted, namely :—

"20. The U. P. State Sugar Corporation Ltd., District Deoria."

Published in *the Gazette of India* (*Ext.)*, Part II Sec. 3(i), No. 104, dated March 12, 1985.

MINISTRY OF FOOD & CIVIL SUPPLIES

G. S. R. 146(E)—(*New Delhi, the 12th March, 1985*)—In exercise of the powers conferred by Section 44 of the **Food Corporation Act, 1964** (37 of 1964), the Central Government hereby makes the following Rules further to amend the Food Corporations Rules, 1965, namely :—

1 (1) These Rules may be called **the Food Corporations (Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 3 of the Food Corporations Rules, 1965, in sub-rule (I), after the words "assumption of office as Chairman", the following shall be inserted, namely :—

"and he shall hold office during the pleasure of the Central Government".

Published in the *Gazette of India* (*Ext.*), Part II, Section 3(i), No. 127, dated the March 18, 1985.

MINISTRY OF FINANCE

S. O. 196(E)—(*New Delhi, the 18th March, 1985*)—In exercise of the powers conferred by sub-section (2) of section 1 of **the Industrial Re-construction Bank of India Act, 1984** (62 of 1984), the Central Government hereby appoints the 20th day of March, 1985, as the date on which the said Act shall come into force.

Published in *the Gazette of India* (*Ext.*), Part II, Section 3(i), No. 127, dated the March 18, 1985.

MINISTRY OF FINANCE

S.O. 197(E)—(*New Delhi the 18th March, 1985*)—In exercise of the powers conferred by sub-section (i) of section 3 of **the Indistrial Reconstruction Bank of India Act, 1984** (62 of 1984), the Central Government hereby appoints the 20th day of March, 1985, as the date with effect from which there shall be established a Corporation by the name of the Industrial Reconstruction Bank of India.

Published in *the Gazette of India* (*Ext.*), Part II, Section 3(i) No, 115 dated the 19th March, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

G.S.R, 286 (E)—(*New Delhi, the 19th March, 1985)*—In exercise of the powers conferred by section 58-A read with section 642 of the Companies Act, 1956 (1 of 1956), the Central Government in consulation with the Reserve Bank of India, hereby makes the following rules further to amend the Companies (Acceptance of Deposits) Rules, 1975, namely :—

1. (1) These rules may be called **the Companies (Acceptance of Deposits) Amendment Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 8 of the said rules, for the words "two percent" the words "one per cent" shall be substituted.

Published in *the Gazette of India* (*Ext.*), Part II, Section 3(i), No. 120, dated March 23, 1985.

MINISTRY OF TOURISM & CIVIL AVIATION

G. S. R. 292(E)—(*New Delhi, the 23rd March, 1985*)—Whereas certain draft rules further to amend the Aircraft Rules, 1937 were published with the notification of Government of India in the Ministry of Tourism and Civil Aviation No, GSR 359 dated 19th March, 1984 in the Gazette of India, Part II, Section 3, Sub-section (i) dated 7th April, 1984 inviting objections and suggestions from all persons likely to be affected thereby.

And whereas copies of the said Gazette were made available to the public on the 7th April, 1984 ;

And whereas no objections or suggestions have been received from the public on the said draft ;

Now, therefore, in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934) the Central Government hereby makes the following rules further to amend the Aircraft Rules, 1937, namely :—

1. (i) These Rules may be called **the Aircraft (Second Amendment) Rules, 1985**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Aircraft Rules, 1937, in Schedule II,

(1) in Section G,

(i) In para 1,

(a) in sub para (c) after the words "an aeroplane", the words "or helicopter" shall be added.

(b) In sub-para (d) for clause (i) the following clause shall be subsituated namely :—

"(i) a holder of a current Pilot's Licence for aeroplane or helicopters, as the case may be",

(c) In Sub-para (e), after the words "fly an aeroplane", the words or a helicopter in respect of which the rating is desired" shall be added.

(ii) For para 4, the following para shall be substituted, namely :—

"4. *Extension of Instrument Rating.*—For extension of Instrument Rating to include an additional type of aeroplane or helicopter, an applicant shall be required to produce evidence of having satisfactorily completed the flight tests as laid down in clause (e) of preceding paragraph I in respect of the type of aeroplane or helicopter for which the extension of instrument rating is desired. The flying test shall have been completed within a period of 6 months immediately preceding the date of application for extention of instrument rating".

(iii) In para 5, for the words, "Instrument Flying Rules, the type of aeroplanes, the words "Instrument Flight Rules, the types of aeroplanes or helicopters" shall be substituted.

(2) In Section L,

(i) In para 4, after sub-para (B), the following Sub-para (C) shall be added, namely :—

"(C) *Instrument Rating.*—Instrument Rating entitles the holder to fly under Instrument Flight Rules. The standard of medical fitness and conditions for issue of this rating are laid down in Section G".

(ii) In para 6, the third proviso, shall be substituted by the following proviso, namely :—

"Provided further that no flight is undertaken under Instrument Flight Rules without a current Instrument Rating."

(3) In Section M,

(i) in para 4, after sub-para (b), the following sub-para (c) shall be added, namely :—

"(c) *Instrument Rating.*—Instrument Rating entitles the holder to fly under Instrument Flight Rules, Conditions for issue of the rating are laid down in Section "G"."

(ii) In Para 6, the second proviso shall be substituted by the following proviso, namely :—

"Provided further that for all flights under Instrument Flight Rules as a Pilot-In-Command or as Co-Pilot he shall be required to have current Instrument Rating."

Published in the *Gazette of India (Extn.)*, Part-II, Section 3(i),
No. 121, dated 23rd March, 1985.

MINISTRY OF HEALTH AND FAMILY WELFARE

G. S. R. 293 (E)—(*New Dehli, the 23rd March. 1985*)—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of Prevention of Food Adulteration Act, 1954 (37 of 1954). with the notification of Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G. S. R. 87 (E), dated the Ist March, 1984, in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i), dated the 1st March, 1984, at pages 1—6 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ninety days from the date on which copies of the Gazette of India on which the said notification was published, were made available to the public;

And whereas the copies of the said notification were made available to the public on the 1st March, 1984;

And whereas the objections and suggestions received from the public on the draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1984, namely :—

RULES

1. (1) These rules may be called **the Prevention of Food Adulteration (Third Amendment) Rules, 1985**.

(2) They shall come into force after a period of six months from the date of their publication in the Official Gazette.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), in rule 15 for clause (a), the following clause shall be substituted, namely :—

"(a) Code number and Serial Number of the Local (Health) Authority".

3. For rule 18 of the said rules, the following rule shall be substituted, namely :—

18". **Memorandum and impression of seal to be sent separately—**

A copy of the memorandum and specimen impression of the seal used to seal the packet shall be sent in a sealed packet separately to the public Analyst by any suitable means immediately but not later than the succeeding working days".

4. In rule 24 of the said rules,—

(1) for the words "ARTIFICIALY COLOURED", the words "CONTAINS PERMITTED COLOURS" shall be substituted;

(2) the proviso occuring at the end shall be omitted.

5. In sub-rule (2) of rule 40 of the said rules, the words, "The Product containing added natural flavour shall be labelled as "CONTAINS ADDED FLAVOUR" whereas the product containing synthetic flavour, shall be labelled as "ARTIFICIALLY FLAVOURED" occurring at the end shall be omitted.

6. For sub-rule (1) of rule 50 of the said rules, the following sub-rule shall be substituted, namely :—

"(1) No person shall manufacture, sell, stock distribute or exhibit for sale any article of food, including prepared food or ready to serve food, except under a licence :

Provided that the fruit products covered under the Fruit Products Order, 1955 solevent extracted oil, deoiled meal and edible flour covered under the Solevent Extracted Oil, De-oiled Meal and Edible Flour (Control) Order, 1967, Vanaspati covered under the Vegetable Oil Products Control Order, 1947, and meat and poultry products covered under the Meat Food Products Order, 1973, shall be exempted from the above rule."

7. After rule 64-B of the said rules, the following rule shall be inserted, namely :—

'**64-BB.** Extra. addition of flavouring agent to be mentioned on the label—Where an extraneous flavouring agent has been added to any article of food, there shall be written on the label attached to any package of food so flavoured. a statement in Capital letters as below :—

"CONTAINS ADDED FLAVOUR"

8. In Appendix A to the said rules—

(1) in Form II, to para 1, the following shall be added at the end, namely :—

"............and I am of the opinion that..............".

(2) In Form III, for the words "a sample of..................... for analysis", the words and bracket "a sample of... ....bearing Code number and Serial Number... ....of the Local (Health) Authority for analysis" shall be substituted;

(3) In Form VII, for the figure and words "1. Serial Number of the sample" the figures, words and brackets "1. Code number and Serial Number of Local (Health), Authority" shall be substituted.

Published in the *Gazette of India, (Extr.)*, Part II, Section 3(i), No. 148, dated the 30th March, 1985.

MINISTRY OF FINANCE

G. S. R. **388** (E)—(*New Delhi, the 30th March, 1985*)—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944, (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called **the Central Excise (4th Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the official Gazette.

2. In the Central Excise Rules, 1944, in rule 96, after the words "the Controller may it his discretion" the words, "for reasons to be recorded in writting" shall be inserted.

Published in the *Gazette of India, (Extr.)*, Part II, Section 3 (i), No. 75, dated the 12th February, 1985.

MINISTRY OF COMMERCE AND SUPPLY

S. O. 110 (E)—(*New Delhi, the 12th February, 1985*)—In exercise of the powers conferred by sub-section (3) of section 1 of **the Tobacco Board Act,** 1975 (4 of 1975), the Central Government hereby appoints the 15th day of February, 1985, as the date on which section 13 of the said Act shall come into force in the State of Andhra Pradesh.

Published in the *Gazette of India*, (*Extr.*), Part II, Section 3 (i), No. 116, dated the 11th March, 1985.

MINISTRY OF COMMERCE & SUPPLY.

S. O. 185 (E) (C) O,/1977/AM/(298)—(*New Delhi, the 11th March, 1958*)—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This order may be called **the Exports (Control) Third Amendment Order,** 1985.

2. In the Exports (Control) Order, 1977 :—

(a) in Schedule I, in Para 'A' for the existing entry against serial number 22 (xxi) the following shall be substituted, namely :—

(b) in Schedule I, in Para 'B' for the existing entry against serial Number 45 (i), the following shall be substituted, namely :—

"All grades of Bauxite, except calcined Bauxite".

(c) in Schedule III, in OGL-4, after serial number 33 and the entries thereto, the following shall be inserted namely :—

1	2	3	4
"34.	All grades of Bauxite except calclined Bauxite.	B. 45 (i)	Minerals and Metals Trading Corporation."

Published in the *Gazette of India*, (*Extr.*), Part II, Section 3 (i), No. 119, dated the 12th March, 1985.

MINISTRY OF COMMERCE AND SUPPLY.

S. O. 188 (E)/No. E (C) O, 1977/AM (299) (*New Delhi, the 12th 1985*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947) the Central Government hereby makes the following order further to amend the Exports (Control), Order, 1977, namely :—

1. This Order may be called **the Exports (Control) Fourth Amendment Order, 1985.**

2. In the Exports (Control) Order, 1977 :—

(a) In Schedule I, Part A, for existing entry against serial number 8 (xii) (a) (14) the following shall be substituted, namely :—

"Gloriosa superba (Liliaceae), other than Gloriosa superba (Liliaceae) Seeds grown in the farms."

(b) In Schedule I, in Part B, after serial number 24 (viii), the following shall be inserted, namely :—

"(ix)—Glroiosa superba (Liliaceae) Seeds grown in the farms."

(c) In Schedule III, in OGL-3m after serial number 210, the following shall be inserted, namely :—

1	2	3	4
"21H.	Gloriosa Superba (Liliaceae) Seeds grown in the farms.	B. 24 (ix)	Exports allowed on production of : (i) Inspection certificate from the Revenue Officer or his representative in the State to the effect that seeds to be exported have been produced through cultivation in the farm, indicating herein particulars of place, area etc. in which the seeds are cultivated, and (ii) A certificate from an officer not lower in rank than Deputy Conservator of Forests to the effect that the seeds is derived only from a plantations raised by the exporter and not collected from wild sources "

Published in the *Gazette of India, (Extr.)*, Part II, Section 3 (i), No. 126, dated the 16th March, 1985.

MINISTRY OF IRRIGATION & POWER.

S. O. 195 (E) (*New Delhi, the 16th March, 1985*).—In exercise of the powers conferred by sub-section (2) of Section 1 of **the Electricity (Supply) Amendment Act, 1983** (16 of 1983), the Central Government hereby appoints the 1st day of April, 1985 as the date on which the said Act shall come into force.

Published in the *Gazette of India, (Ext.)*, Part II, Section 3(i), No. 140 dated the 25th March. 1985.

MINISTRY OF COMMERCE AND SUPPLY.

S. O. 228(E) :—(*New Delhi, the 25th March. 1985.*) :—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Art Silk Textiles (Production and Distribution) Control Order, 1962, namely :—

1. (1) This order may be called **the Art Silk Textiles (Production and Distribution) Control Amendment Order, 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Art Silk Textiles (Production and Distribution) Control, Order. 1962 :—

(ii) for sub-clauses (1) and (2) of clause 3, the following shall be substituted, namely :—

"(1) The Textile Commissioner may, from time to time, issue direction in writing to any manufacturer or class of manufactures, or manufactures generally regarding :—

(a) the classes or specifications of art silk cloth or art silk yarn, as the case may be, which each manufacturer or class of manufactures or manufactures generally shall or shall not manufacture ; or

(b) the maximum or minimum quantities of art silk cloth or art silk yarn, as the case may, be which such manufacturer, or class of manufactures or manufactures generally shall manufacture during such period as may be specified in the order :—

(c) the packing of art silk yarn in hanks, cones or in other form and in such proportion as he may consider necessary or expedient ;

Provided that in issuing the direction under the sub-clause the Textile Commissioner shall have regard to :—

(i) the demand for art silk cloth or art silk yarn ;

(ii) the needs of the general public ;

(iii) the special requirement of the industry for such art silk cloth or art silk yarn ;

(iv) the capacity of the manufacturer or class of manufactures generally. to manufacture, or pack different descriptions or specifications of art silk cloth or art silk yarn ; and

(v) the necessity to make available to the general puplic cloth of mass consumption

(2) (a) While issuing any direction under sub-clause (1), the Textile Commissioner may also provide that such direction shall be with reference to the quantity of art silk cloth or art silk yarn packed by the manufacturer, or class of manufactures, or manufactures generally during the period referred to in that sub-clause.

(b) Every manufacturer, or class of manufactures or manufactures generally, to whom a direction has been issued shall comply with the direction.

(c) Where, on an application made by any manufacturer or class of manufactures or otherwise, the Textile Commissioner is satisfied that any direction issued by him under this clause shall cause undue hardship or difficulties to any such manufacturer or class of manufactures he may by order and for reasons to be recorded in writing, direct that the directions shall not apply, or shall apply subject to such modification as may be specified in the order, to such manufacturer or class of manufactures."

(ii) Clause 3-B shall be omitted.

powers and duties under this Act as it may deem necessary.

60. *Staff of the Reconstruction Bank.*—(1) Without prejudice to the provisions of section 7, the Reconstruction Bank may appoint such number of officers and other employees as it considers necessary or desirable for the efficient performance of its functions and determine their terms and conditions of appointment and service.

(2) The Reconstructien Bank may, notwithstanding anything contained in any other law for the time being in force or in any contract, depute any of its officers or other members of its staff to, or receive on deputation from, prescribed institutions on such terms and conditions as may be prescribed, and may also depute any of its officers or other members of its staff to any assisted industrial concern :

Provided that nothing contained in this section shall be construed as empowering the Reconstruction Bank to depute to any prescribed institution or assisted industrial concern any officer or other member of its staff on any salary, emoluments or other terms and conditions of service which are less favourable to him than those to which he was entitled immediately before such deputation.

61. *Obligations as to fidelity and secrecy.*—(1) The Reconstruction Bank shall observe, except as otherwise required by law, the practices and usages customary among bankers and, in particular, it shall not, except as otherwise provided in sub-section (3), divulge any information relating to, or to the affairs of, the assisted industrial concern, except in circumstances in which it is, in accordance with law or practices and usages, customary among bankers, necessary or appropriate for the Reconstruction Bank to divulge such information.

(2) Every director, auditor, adviser, officer or any other employee of the Reconstruction Bank shall, before entering upon his duties, make a declaration of finelity and secrecy in the form set out in the Second Schedule.

(3) The Reconstruction Bank may, for the purpose of efficient discharge of its functions under this Act, collect from, or furnish to,—

(a) the Central Government,

(b) the Reserve Bank,

(c) the State Bank, or any subsidiary bank within the meaning of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), or any nationalised bank, or any other scheduled bank, or any State co-operative bank or the Development Bank or other public financial institutions, or State level agencies or prescriced institutions or State Financial Corporations,

such credit information or other information as it may consider useful for the purpose, in such manner and at such times, as it may thinks fit.

Explanation.—For the purposes of this sub-section, the expression "credit information', shall have the same meaning as in clause (c) of section 45A of the Reserve Bank of India Act, 1934 (2 of 1934), subject to the modification that the banking company referred to therein shall mean an assisted industrial concern.

62. *Provident Fund.*—(1) The Reconstruction Bank shall constitute, for the benefit of the officers and other employees appointed under section 60 (as also for the officers and other employees whose services have been transferred to it under section 7) in such manner and subject to such condi-

tions as may be prescribed, such insurance and provident fund as it may deem fit.

(2) Where any such insurance or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

63. *Indemnity of directors.*—(1) Every director shall be idemnified by the Reconstruction Bank against all losses and expenses incurred by him in or in relation to the discharge of his duties, except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for any other director or for any officer or other employee of the Reconstruction Bank or for any loss or expenses resulting to the Reconstruction Bank from the insufficiency or deficiency of the value of, or title to, any property or security acquired or taken on behalf of the Reconstruction Bank or the insolvency or wrongful act of any debtor or any person under obligation to the Reconstruction Bank or any thing done in good faith in execution of the duties of his office or in relation thereto.

64. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the Reconstruction Bank, or any director, or officer, or other employee of the Reconstruction Bank, or any other person authorised by the Reconstruction Bank to discharge any functions under this Act, for any loss or damage caused or is likely to be caused by anything which is in good faith done or intended to be done, in pursuance of this Act or any other law or provision having the force of law.

65. *Chairman, director, etc., to be public servants.*—Chairman, director, adviser and auditor and every other employee of the Reconstruction Bank shall be deemed to be public servants for the purposes of Chapter IX of the Indian Penal Code (45 of 1860).

66. *Penalty for making false statement in applications for loans and advances.*—If in any application, return or statement or other document made, submitted, furnished or produced for the purpose of obtaining any loan or advance or any other assistance from the Reconstruction Bank any person makes a statement—

(a) which is false in any material particular, knowing it to be false; or

(b) which omits to state any material fact, knowing it to be material;

he shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine.

67. *Offences by companies.*—(1) Where any offence, punishable under section 66, has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), when any offence punishable under section 66 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate and includcdes a firm or other association of individual ; and

(b) "director", in relation to a firm, means a partner in the firm.

68. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) institutions and agencies in and outside, India, payment of whose loans may be guaranteed, counter-guaranteed or indemnified by the Reconstruction Bank, as may be specified uuder sub-section (1) of section 18 ;

(b) institutions and agencies which may be provided with the line of credit by the Reconstruction Bank for grant of loans and advances by them to industrial concerns as may be specified under clause (d) of sub-section (1) of section 18 ;

(c) persons who may be appointed to act as the agents of the Reconstruction Bank as required by clause (q) of sub-section (1) of section 18 ;

(d) borrowing of foreign currency from any sourse, other than the source specified in sub-section (1) of section 23 ;

(e) the power which may be exercised and duties which may be performed by any director or administrator appointed under sub-section (1) of section 44 ;

(f) the manner in which and the conditions subject to which an insurance or provident fund may be constituted by the Reconstruction Bank as required by sub-section (1) of section 62 ;

(g) any other matter which is required to be, or may be, presbribed,

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the sucessive sessions aforesaid, both House agree in making any modification in the rule both House agree that the rule should not be made, the rule shall thereafter have effect only in such modified from or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

69. *Power of Reconstruction Bank to make regulations.*—(1) The Board may, with the previous sanction of the Central Government, make regu-

lations, not inconsistent with the provisions of this Act and the rules made thereunder to provide for all matters for which regulations are necessary or expedient for the purpose of giving effect to the provisions of this Act and of the rules made thereunder.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matter, namely :—

(a) restrictions relating to the powers which may be exercised by the Chairman, in pursuance of the provisions of sub-section (2) of section 9 :

(b) the time and place at which the Board shall meet and the rules of procedure (including quorum) which shall be observed by the Board in regard to the transaction of business at its meetings, as required by sub-section (1) of section 14 ;

(c) (i) the constitution of the Executive Committee or other committees and the functions thereof;

(ii) the time and place at which such committees shall meet ; and

(iii) the rules of procedure (including quorum) which shall be observed by each Committee in relation to the transaction of business at its meeting, as required by section 15 ;

(d) fees and allowances which may be paid to the directors and members of the committee, as required by section 17 ;

(e) conditions and limitations, subject to which an industrial concern may enter into any kind of business, as required by clause (i) of sub-section (2) of section 19 ;

(f) the form and manner in which the balance sheet and accounts of the Reconstruction Assistance Fund shall be prepared, as required by sub-section (1) of section 29.

(g) the form and the manner in which the balance sheet and accounts of the Reconstruction Bank shall be prepared, as required by sub-section (1) of section 32 ;

(h) the duties, conduct, salaries, allowances and conditions of service of officers and other employees (whether employed on regular basis or on contract) of the Reconstruction Bank and all those who are appointed for the management of any undertaking, the management of which has been taken over ; and

(i) any other matter which is required to be, or may be, provided for by regulations,

(3) The Central Government shall cause every regulation made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately followings the session or the successive session aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously under that regulation.

70. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification in the Official Gazette, remove the difficulty :

Provided that no such notification shall be made after the expiry of a period of two years from the appointed day.

71. *Amendment of certain enactments.*—The enactments specified in Parts I to III of the Third Schedule to this Act shall be amended in the manner directed in the first column thereof and such amendments shall take effect on the dates specified in the second column of that Schedule.

72. *Substitution in Acts, rules or regulations of the Reconstruction Bank in place of the Corporation.*—In every Act, rule or regulation in force on the appointed day, for the words "Industrial Reconstruction Corporation of IndiaL imited", wherever they occur, the words "Industrial Recons, truction Bank of India" shall be substituted.

THE FIRST SCHEDULE

(*See* section 37)

Declaration refferred to in section 37 of the Industrial Reconstruction Bank of India Act, 1984.

I/We.....................hereby declare that in consideration of the assistance given to me/us or at my/our request, by the Industrial Reconstruction Bank of India, as specified in the Annexure hereto, I/we agree that the immovable properties specified in the said Annexure shall form a security for the said assistance and I/We agree that the dues arising out of such assistance shall, on and from the date of execution of these presents be a charge on the said properties for the recovery of the dues of the said Reconstruction Bank.

Execution by the parties.

1. Signed and delivered by.....................
   (party receiving the assistance)
2. Signed and delivered by.......... ....
   (the concerned person furnishing guarantee/collateral security)
3. Signed by the duly authorised official of Reconstruction Bank.
   (Note :—Strike out whichever is not applicable.)

THE SECOND SCHEDULE

(*See* section 61)

Declaration of fidelity and secrecy

I,.............., do hereby declare that I will faithfully, truly and to the best of my skill and ability, execute and perform the duties required of me as the Chairman, Director, member of ....committee, auditor, adviser, officer or other employee of the Reconstruction Bank of India and which properly relate to the office or position held by me in or in relation to the said Reconstruction Bank.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Industrial Reconstruction Bank of India or to the affairs of any person having any dealing with the said Reconstruction Bank, nor will I allow any such person to inspect or have access to any books or documents belonging to or in possession of the said Reconstruction Bank and relating to the business of the said Reconstruction bank or the business of any person having any dealing with the said Reconstruction Bank.

(*Signature*)

Signed before me.

THE THIRD SCHEDULE

(See section 71)

Amendments of certain enactments

PART I

Amendment to the Reserve Bank of India Act, 1934

(2 of 1934)

Amendments (1)	Date on which amendment shall take effect (2)
1. In section 2, after clause (civ), insert the following clause, namely :— '(cv) "Reconstruction Bank" means the Industrial Reconstruction Bank of India established under section 3 of the Industrial Reconstruction Bank of India Act, 1984.'.	The date of establishment of the Reconstruction Bank.
2. In section 17,—	
(a) in clause (4G), after the words "the Exim Bank", insert the words "or the Reconstruction Bank";	Ditto
(b) in clause (4-1), after the words "Exim Bank insert" the words "or Reconstruction Bank";	Ditto
(c) after clause (4J), insert the following clause, namely :— "(4K) the making to the Reconstruction Bank of loans and advances— (a) repayable on demand or on the expiry of a fixed period not exceeding ninety days, from the date of such loan or advance against the security of stocks, funds and securities (other than immovable property) in which a trustee is authorised to invest trust money by any law for the time being in force in India ; or (b) against the security of bills of exchange or promissory notes, arising out of *bona fide* commercial or trade transactions bearing two or more good signatures and maturing within five years from the date of such loan or advance " ;	Ditto
(d) in clause (12B), after the words "the Exim Bahk", insert the words "or the Reconstruction Bank".	The date of establishment of the Reconstruction Bank.

Amendments (1)	Date on which amendment shall take effect (2)
3. In section 42, in sub-clause (ii) of clause (c) of the Ex-planation below the proviso to sub-section (1), after the words "or from the Exim Bank", insert the words "or from the Reconstruction Bankas the case may be".	The date of establishment of the Reconstruction Bank
4. In section 46C, and in clauses (c) and (d) of sub-section (2), after the words "Exim Bank" wherever they occur, insert the words "or the Reconstruction Bank, as the case may be".	Ditto

PART II

Amendment to the Industrial Disputes Act, 1947

(14 of 1947)

Amendment (1)	Date on which amendment shall take effect (2)
In section 2, in clause (bb), after the words "Export--Import Bank of India", insert the words "the Industrial Reconstruction Bank of India".	The date of establishment of the Industrial Re-construction Bank ofIndia

PART III

Amendments to the Banking Regulation Act, 1949

(10 of 1949)

Amendment (1)	Date on which amendments shall take effect (2)
1. In section 5, after clause (ffb), insert the following clause, namely :— "(ffc) "Reconstruction Bank" means the Industrial Reconstruction Bank of India establishment under section 3 of the Industrial Reconstruction Bank of India Act, Act 1984 ;	The date of establishment of the Reconstruction Bank.
2. In section 18, in the Explanation, in sub-clause (ii) of clause (a), after the words "or from the Exim Bank" insert the words "or from the Reconstruction Bank."	Ditto
3. In section 34A, in sub-section (3), after the words "the Exim Bank", insert the words "the Reconstruction Bank.".	Ditto

(1)	(2) The date of establishment of the Reconstruction Bank
4. In section 36AD, in sub-section (3), after the words "the Exim Bank", insert the words "the Reconstruction Bank".	Do.
5. In section 56, in sub-clause (ii), of clause (a) of the Explanation under clause (j), after the worde "the Exim Bank", insert the words "the Reconstruction Bank."	Do.

THE INDIAN VETERINARY COUNCIL ACT, 1984

The following Act of Parliament received the assent of the President on the 18th August, 1984, and was published in the *Gazette of India, (Ext.)*, Part II. Section 1, No. 66, dated August 21, 1984.

INDIAN PARLIAMENT ACT NO. 52 OF 1984

[*18th August, 1984.*]

An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterniary Council of India and State Veterinary Councils and the maintenance of registers of the veterinary poactitioners and for matters connected therewith.

Whereas it is expedient to make provision for the regulation and vateriniary practice and to provide, for that purposes, for the establishment of a Veterinary Council of India and State Veterinary Council and the maintenance of registers of persons qualified to engage in veterinary practice for the whole of India and for matters connected therewith or ancillary thereto ;

And Whereas Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution ;

And Whereas in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the State of Haryana, Bihar, Orissa, Himachal Pradesh and Rajasthan to the effect that the matters aforesaid should be regulated in those States by Parliament by law.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called **the Indian Veterniary Council Act, 1984.**

(2) It extends, in the first instance, to the whole of the States of Haryana, Bihar, Orissa, Himachal Pradesh and Rajasthan and to all Union territories ; and it shall also extend to such other States as may adopt this Act by resolution passed in that behalf in pursuance of clause (1) of article 252 of the Constitution.

(3) It shall come into force in a State or Union territory to which it extends, or may become extended in future, on such date as the Central

(iv) The whole of District of Sonepat comprising the Tehsils of Sonepat and Gohana : and

(v) Panipat Tehsil of District of Karnal and Rewari Tehsil of District of Mohindergarh.

3. *Utter Pradesh*

(i) The whole of District of Bulandshahr comprising the Tehsils of Anupshahr, Bulandshahr, Khurja and Sikanderabad ;

(ii) The whole of District of Meerut comprising the Tehsil of Meerut, Bagpat, Mawana and Sardhana ; and

(iii) The whole of District of Ghaziabad comprising the Tehsils of Ghaziabad and Hapur.

4. *Rajasthan*

(i) The whole of the following Tehsils of Alwar District, namely, Behroor, Mandawar, Kishangarh and Tijara ; and

(ii) Part of Alwar Tehsil comprising the area bounded in the north by the Tehsil boundaries of Mandawar and Kishangarh in the east of the boundaries of Tehsil Ferozepur-Jhirka of District Gurgaon, Haryana and Alwar Tehsil in the south by the Barah river right up to Umran lake in the west and then following the southern boundaries of Umran lake up to the junction of Umran lake and State Highway from Alwar to Bairat and from then on west by north-west across the ridge up to the junction of the Tehsil boundaries of Alwar and Bansur.

Explanation.—Save as otherwise provided reference to any district or tehsil in this Schedule shall be construtcd as a reference to the areas comprised in that district or tehsil as the case may be, on the 27th day of August, 1984, being the date on which the National Capital Region Planning Board Act, 1984, was introduce in the House of the People.

THE FOREIGN CONTRIBUTION (REGULATION) AMENDMENT ACT, 1985

The following Act received the assent of the President and was published in the *Gazette of India (Ext.)*, Part II, Section 1, dated the 1st Febraury, 1985.

INDIAN PARLIAMENT ACT NO. 1 OF 1985

An Act to amend the Foreign Contribution (Regulation) Act, 1976.

Be it enacted by parliament in the Thirty-fifth Year of the Republic of India as follows :—

1, *Short tille and commencement.*—(1) This Act may be called **the Foreign Contribution (Regulation) Amendment Act, 1985.**

(2) The provisions of this Act, other than sections 4 and 6, shall be deemed to have come into force on the 20th day of October, 1984, and section 4 and 6 shall be deemed to have come into force on the 1st day of January, 1985.

2. *Amendment of section 2.*—In section 2 of the Foreign Contribution (Regulation) Act, 1976 (49 of 1976), (hereinafter referred to as the principal Act), in sub-section (1),—

(a) in clause (c), the following *Explanation* shall be inserted at the end, namely :—

"*Explanation* —A donation, delivery or transfer of any article, currency or foreign security referred to in this clause by any person who has received it from any foreign source, either diectly or through one or more persons shall also be deemed to be foreign contribution within the meaning of this clause ;";

(b) for clause (g), the following clause shall be substituted, namely :—

'(g) "political part" means—

(i) an association or body of individual citizens of India—

(1) which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Orders 1968, as in force for the time being ; or

(2) which has set up candidates for Election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968 ;

(ii) a political party mentioned in column 1 of Table I to the notification of the Election Commission of India No. 56/J&K/84, dated the 27th September, 1984, as in force for the time being ;',

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (1), in clause (c), for the words "Government servant", the words "Judge, Government servant" shall be substituted.

4. *Amendment of section 6.*—In section 6 of the principal Act for sub-section (1), the following sub-section shall be substituted, namely .—

"(1) No association [other than an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational religious or social programme shall accept foreign contribution unless such association,—

(a) register itself with the Central Goaernment in accordance with the rules made under this Act ; and

(b) agree to receive such foreign contributions only through such one of the branches of a bank as it may specify in its application for such registration,

and every association so registered shall give within [such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of each foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purchases for which and the manner in which such foreign contribution was utilised by it :

Provided that where such association obtains any foreign contribution through any branch other than the branch of the bank through which it has agreed to receive foreign contribution or fails to give such intimation within the prescribed time or in the prescribed manner, or gives any intimation which is false, the Centrnl Government may, by notification in the Official Gazette, direct that such association shall not, after the date of issue of such notification, accept any foreign contribution without the prior permission of the Central Government.

(1A) Every association referred to in sub-section (1) may, if it is not registered with the Central Government under that sub-section, accept any foreign contribution only after obtaining the prior permission of the Central Government and shall also give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which such foreign contribution was utilised by it."

5. *Amendment of section 9.*—In section 9 of the principal Act, in the opening portion, for the words "Government servant", the words "Judge, Government servant" shall be substituted.

6. *Amendment of section 10.*—In section 10 of the principal Act, in clause (b), for the words and figure "require any association, specified in section 6", the words, bracket and figures "without prejudice to the provisions of sub-section (1) of section 6, require any association specified in that sub-section" shall be substituted

7. *Amendment of section 14.*—In section 14 of the principal Act, for the words and figure "class I post", at both the places where they occur, the words and letter "Group A post" shall be substituted.

8. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely :—

"15A. *Audit of accounts.*—Where any organisation or association fails to furnish any returns under this Act within the time specified therefor or the returns so furnished are not in accordance with law or if, after inspection of such returns, the Central Government has any reasonable cause to believe that any provisions of this Act has been, or is being, contravened, that Government may, by general or special order, authorise such gazetted officer, holding a group A post, as it may think fit, to audit any books of account kept or maintained by such organisation or association, as the case may be, and thereupon every such officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of auditing the said books of account :

Provided that any information obtained from such audit shall be kept confidential and shall not be disclosed except for the purposes of this Act".

9. *Insertion of new section 25A.*—After section 25 of the principal Act, the following section shall be inserted, namely :—

"25A. *Prohibition of acceptance of foreign contribution.*—Notwithstanding anything contained in this Act, whoever, having been convicted of any offence under sub-section (1) of section 23 or section 25, in so far as such offence relates to the acceptance or utilisation of foreign contribution is again convicted of such offence shall not accept any foreign contribution for a period of three years from the date of the subsequent conviction".

10. *Repeal and saving.*—(1) The foreign Contribution (Regulation) Amendment Ordinance, 1984 (12 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE GENERAL INSURANCE BUSINESS (NATIONALISATION) AMENDMENT ACT, 1985

The following Act of the Parliament received the Assent of the President and was published in the *Gazette of India* (*Extra.*) Part II, Section 1, dated the 11th February, 1985.

INDIAN PARLIAMENT ACT NO. 3 OF 1985

An Act further to amend the General Insurance Business (Nationalisation) Act, 1972.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the General Insurance Business (Nationalisation) Amendment Act, 1985**.

(2) It shall be deemed to have come into force on the 17th day of September, 1985.

2. *Amendment of clause* (*o*) *of section 3.*—In section 3 of the General Insurance Business (Nationalistion) Act, 1972 (57 of 1972), (hereinaffter referred to as the principal Act), in clause (o) after the words and figures "framed under section 16", the words, figures and letter "and also includes a scheme framed under section 17A" shall be inserted.

3. *Amendment of section 16.*—In section 16 of the principal Act, after sub-section (7), the follwing sub-section shall be inserted, namely:—

"(8) The power to frame a scheme under sub-section (1), and power conferred by sub-section (6) to add to, amend or vary any scheme framed under this section, shall include the power to frame such scheme with retrospective effect from a date not earlier than the appointed day".

4. *Insertion of new Chapter VA.*—In the principal Act, after Chapter V, the following Chapter shall be inserted, namely :—

"CHAPTER VA—TERMS AND CONDITIONS OF SERVICE OF OFFICERS AND OTHER EMPLOYEES

17A. *Power of Central Government to regulate the terms and conditions of service of officers and other employees.*—(1) The Central Government may, by notification in the Official Gazette, frame one or more schemes for regulating the pay scales and other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company.

(2) A scheme framed under sub-section (1) may add to, amend or vary any scheme framed under section 16 [including any addition, amendment or variation made therein by notification under sub-section (6) of section 16] with respect to rationalisation or revision of pay scales and other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company, to provide for further rationalisation or revision of such pay scales and other terms and conditions of service notwithstanding that such further rationalisation or revision is unrelated to, or unconnected with, the amalgamation of insurance companies or merger consequent on nationalisation of general insurance business.

(3) The Central Government may, by notification, add to, amend or vary any scheme framed under this section.

(4) The power to frame a scheme under sub-section (1), and the power conferred by sub-section (3) to add to, amend or vary any scheme framed under this section, shall include the power to frame such scheme or, as the case may be, to make such addition, amendment or variation in any scheme framed under this section, with retrospective effect from a date not earlier than the appointed day.

(5) A copy of every scheme, and every amendment thereto, framed under this section shall be laid, as soon as may be after it is made before each House of Parliament.

(6) The provisions of this section and of any scheme framed under

(v) In Rule 64 Serial No. 3 (b) for the words "Board of Revenue" the word "Tribunal" shall be substituted.

13. *Amendment of Rule 67 A.*—(i) In the heading of and in the said rule, for the expression "(5) of section 14" the expression "(3) of section 14C" shall be substituted.

(ii) In the said rule, for the word "Board" the word "Tribunal" shall be substituted.

14. *Amendment of Rule 67 B.*—In the said rule for the expression "(5) of section 14", the expression "(3) of section 14C" shall be substituted.

15. Form S. T. 9 appended to the existing rules shall be substituted by the following form S. T. 9.

FORM S. T. 9

[See Rule 39 (1)]

Form of application for appeal to the Tribunal.

Appeal No.————————of——————

——————— Versus ———————

Appellant Respondent

In the Rajasthan Sales Tax Tribunal, Ajmer.

Ref:—Appeal under section 14 of the Rajasthan Sales Tax Act.

1. Name(s) of the appellant(s) ....
2. Address to which notice may be sent to appellant(s) and the respondent(s)
   (A) Appellant(s) ....
   (B) Respondent(s) ....
3. Authority passing the order in dispute ....
4. Date of order appealed against ....
5. Period of assessment From..............to
6. Original or certified copy alongwith one true copy of the order appealed against is attached. ....
7. Relief claimed in appeal before the tribunal—
   (a) If turnover/aggregate of purchase price is disputed
      (i) Disputed turnover/aggregate of purchase prices. ....
      (ii) Tax due on the disputed turnover/aggregate of purchase prices ....
   (b) If rate of tax is disputed—
      (i) Turnover/aggregate of purchase prices involved ....
      (ii) Amount of tax disputed ....
   (c) If the order of penalty/interest is disputed—
      (i) Section under which penalty/interest imposed ....

(ii) Amount of penalty in dispute ……………………………
(iii) Amount of interest in dispute ……………………………
(d) Any other relief claimed ……………………………
8. Grounds of appeal to the Tribunal ……………………………

VERIFICATION

The appellant (s)……………………………named above does/do hereby declare :—

(i) that the said order is not appealable under section 13 of the the R. S. T. Act ;

(ii) that no appeal from the said order is pending ; and

(ii) that what is stated herein is true to the best of his/her/their knowledge & belief.

Verified to the ……………day of ………………19………

…………………… ……………………
Signed Signed
(Authorised representative, if any) (Appellant)

Notes—(1) The application of appeal must be in triplicate and should be accompanied by two copies of the order appealed against and two copies of the relevant order of the Assessing Authority.

(2) The number and year of appeal will be filled in the office of the Tribunal.

(3) If the space provided is found insufficient separate enclosures may be used for the purpose.

16. After the Form S. T. 9 so substituted, in the said Rules, following new forms S. T. 9A, S. T. 9B and S. T. 9C shall be inserted, namely.—

FORM S. T. 9A

[See Rule 39 (2)]

Form of memorandum of cross-objections to the Tribunal Cross-Objection No……………………of…………………19……………

In Appeal No……………………………of…………………19….

…………………… Versus ……………………
(Appellant) (Respondent)

In the Rajasthan Sales Tax Tribunal,
Ajmer.

Ref.—Memorandum of Cross-Objection under sub-section (4) of section 13 of R. S. T, Act.

1. Appeal No. allotted by the Tribunal to which memorandum of Cross objections relates ……………………
2. Name of the appellant(s) ……………………
3. Addresses to which notices may be sent to the cross-objector and appellant(s). ……………………
 (i) Cross-objector. ……………………
 (ii) Appellant. ……………………
4. Date of receipt of notice of appeal filed by the appellant to the Tribunal ……………………

5. Period of assessment in connection with which the memorandum of Cross-objections is preferred ....
6. Relief claimed in the memorandum of Cross-objections
....
   (a) If turnover/aggregate of purchase price is disputed
      (i) Disputed turnover/aggregate of purchase prices ....
   (b) If rate of tax is disputed—
      (i) Turnover/aggregate of purchase price involved ....
      (ii) Amount of tax disputed ....
   (c) If the order of penalty/interest is disputed—
      (i) Section under which penalty interest imposed ....
      (ii) Amount of penalty in dispute ....
      (iii) Amount of interest in dispute ....
   (d) Any other relief claimed ....
7. Grounds of Cross-objections—

VERIFICATION

I,.............. ..., the respondent, do hereby declare that what is stated above is true to the best of my knowledge and belief.

Verified today................day of..................19....................

....	....
(Signed)	(Signed)
Authorised Representative, if any	Respondent Cross-objector

Notes.—(1) The memorandum of Cross-objections must be in triplicate.

(2) The number and year of Cross-objections will be filled in the office of the Tribunal-

(3) The number and year of appeal as alotted by the office of the Tribunal and appearing in the notice of appeal received by the respondent is to be filled in by the respondent.

(4) If the space provided is found in sufficient separate enclosure may be used for the purpose.

FORM S. T. 9B

[See Rule 39A (1)]

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR/JAIPUR BENCH, JAIPUR.

Sales Tax Revision Application No..............of............19.........

....	Versus	....
(Petitioner)		(Respondent)

Revision Application under section 15 (1)/(2) of the Rajasthan Sales Tax Act, 1954.

To,

The Hon'ble Shri..Chief Justice and his other companion Judges of the Hon'ble High Court of Judicature for Rajasthan at Jodhpur/Jaipur Bench, Jaipur.

MAY IT PLEASE YOUR LORDSHIPS.

The petitioner respectfully submits the following :

(1) That the appeal No ....of.................19...........
In the matter of ....Versus..
(Appellant) (Respondent)
..........................was decided by the......................
Bench of the Tribunal on......................

(2) That the copy of order passed by the Tribunal under section 14B (1) of the R. S. T. Act 1954 was received by the petitioner on...... .. ..

(3) That the brief facts of the case which are admitted and/or found by the Tribunal and which are necessary and from which questions of law has been formulated are enclosed alongwith relevant copies of the order of assessing authority dated........................,relevant order of Dy. Commissioner (Appeals) dated...............and the copy of the order of the Tribunal in question dated.....................

(4) That the following question of law arise out of the said order of the Tribunal :

(i)
(ii)
(iii)

(5) That the petitioner, therefore prays under sub-section (1)/(2) of section 15 of the R. S. T. Act that this application may be accepted and the question mentioned in para 4 above or such question as this Hon'ble court thinks just and proper, may be decided.

Humble Petitioner
Name...............
Desighation........

Notes :—1. The number and year of the Revision application to be filled in by the office of the Registrar, Rajasthan High Court.

2. If the space provided is found insufficient separate enclosures may be used for the purpose.

AFFIDAVIT

I——————aged——————years S/o——————do hereby take oath (or solemnly affirm) and state as under :—

1. That I am well aquainted with the facts of the case and, therefore, competent to swear this affidavit.

2. that I carefully gone through the revision application which is being filed herewith.

3. that the contents of paras 1 to 5 of the application are true to the best of my knowledge and belief.

4. that no such revision application has been filed in this Hon'ble High Court prior to the present application.

(Signed)
Deponent.

FORM S. T. 9C

[See Rule 39 A (2)]

Form of application for Revision to the Commissioner

Revision No———————————of——————

——————— Versus ———————

(Petitioner) (Respondent)

To,

The Commissioner,
Commercial Taxes,
Rajasthan,
Jaipur.

Ref.:—Revision under sub-section (2) of section 15A of R. S. T. Act, 1954.

(1) Name of the Petitioner ————————
(2) Address to which notices may be sent to the petitioner(s) and respondent(s) ————————
(a) Petitioner(s) ————————
(b) Respondent(s) ————————
(3) Authority passing the order in dispute ————————
(4) Date of receipt of the order of which revision is sought ————————
(5) Relief claimed in revision
(a) If turnover/aggregate of purchase price is disputed ————————
(i) Disputed turnover/aggregate of purchase prices ————————
(ii) Tax due on the disputed turnover/aggregate of purchase prices ————————
(b) If the rate of tax is disputed
(i) Turnover/aggregate of purchase prices involved ————————
(ii) Amount of tax disputed ————————
(c) If the order of penalty/interest is disputed ————————
(i) Section under which penalty imposed. ————————
(ii) Amount of penalty in dispute ————————
(iii) Amount of interest in dispute ————————
(d) Any other relief claimed ————————
(6) Grounds of Revisions—

VERIFICATION

Petitioner(s) ———————————— named above does/do hereby declare—

(1) that appeal does not lie to the Tribunal against the said order.
(2) that what is stated herein is true to the best of his her/their knowledge and belief.

Verified to-day the ....day of...........19...............

....

(Signed) (Signed)
(Authorised Representative. if any) (Petitioner)

Notes :—(1) The application must be in duplicate accompanied by two copies of the order of which revision is sought (at least one of these copies must be an original or a certified one) along with two copies of the relevant order of the assessing authority

(2) The No. and year of Revision will be filled in by the office of the Commissioner.

(3) If the space provided is found insufficient separate enclosures may be used for the purpose.

THE RAJASTHAN AGRICULTURAL CREDIT OPERATIONS (REMOVAL OF DIFFICULTIES) (AMENDMENT) ORDINANCE, 1985,

Published in the *Rajasthan Gazette* (*Ext.*), Part IV, (Kha) dated May 8, 1985,

ORDINANCE NO. 2 OF 1985

An Ordinance to further amend the Rajasthan Agricultural Credit Operations (Remova' of Difficulties) Act 1974.

Whereas the Rajasthan Legislative Assembly is not in session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render is necessary for him to take immediate action in this behalf ;

Now, therefore, in exercise of powers conferred on him by clause (1) of Articule 213 of the Constitution of India, the Governor is hereby pleased to make and promulgate in the Thirty-sixth year of the Republic of India, the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Rajasthan Agricultural Credits Operations (Removal of Difficulties) (Amendment) Ordinance, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 2, Rajasthan Act 22 of 1974.*—In section 2 of the Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974 (Rajasthan Act 22 of 1974), hereinafter referred to as the principal Act, in clause (a), between the words "poultry farmers" and the words "and other categaries", the expression "land less labourers, rural artisans" shall be inserted.

3. *Amendment of section 13, Rajasthan Act 22 of 1974.*—In sub-section (1) of section 13 of the principal Act,—

(i) between the expression "or his hair or legal representative" and the expression "directing the payment", the words "or his guarantor" shall be inserted ;

(ii) after the expression "charged or mortgaged" wherever occurring the expression "or of any other property in his possession" shall be inserted ; and

(iii) in the proviso to the said sub-section, between the words "the heir or legal representative" and the words "of the agricultrist", the words "or the guarantor" shall be inserted.

4. *Omission of section 16, Rajasthan Act 22 of 1974.*—Section 16 of the principal Act shall be deleted.

O. P. MEHRA
Governor of Rajasthan.

THE RAJASTHAN IMPOSITION OF CEILING ON AGRICULTURAL HOLDINGS (AMENDMENT) ORDINANCE, 1985.

Published in the *Rajasthan Gazette* (*Ext.*), dated May 13, 1985

ORDINANCE NO. 3 of 1985

An Ordinance further to amend the Rajasthan imposition of Ceiling on Agricultural Holdings Act, 1973.

Whereas, the Rajasthan Legislative Assembly is not in Session and the Governor of the State of Rajasthan is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to make and promulgate in the Thirty-sixth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1985.**

(2) It shall come into force at once.

2. *Insertion of new Section 15-B in Rajasthan Act II of 1973.*—After Section 15.A of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973, the following new section shall be inserted, namely :—

"**15-B.** *Validation of decisions by and proceedings before certain Additional Collectors.*—Notwithstanding anything contained in sub-section (1) or sub-section (2) of section 15 or in any decision of any Court,—

(a) such Additional Collectors, as had, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1985, re-opened any matters referred to in sub-section (1) or sub-section (2) of section 15 and had decided them afresh or before whom such matters are pending for decision on the date of such commencement shall, with respect to such matters, be demeed and be always deemed to have been directed by the State Government under and in accordance with and for the purposes laid down in the said sub-section ;

(b) all things done, actions taken, decisions given, directions issued and orders passed by such Additional Collectors with respect to such matters before commencement shall be deemed to be and be always deemed to have been validly done, taken, given issued or, as the case may be, passed by them ; and

(c) the existence and validity of any such things done. actions taken, decision given, directions issued or, as the case may be, orders passed with respect to such matters shall not be called in question in any court or tribunal or before any authority on the ground that no direction under and in accordance with sub-section (1) or sub-section (2) of section 15 was issued or for any other defect or want of appointment, form, procedure, or jurisdiction.".

O. P. MEHRA,
Governor of Rajasthan.

Published in the *Rajasthan Gazette* (*Ext.*), Part IV (Ga), dated February 27, 1985.

LABOUR DEPARTMENT

G. S. R. 171.—(*Jaipur, February 25, 1985*).—In exercise of powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948), the State Government hereby makes the following Rules further to amend the Rajasthan Factories Rules, 1951, the same having been previously published in Rajasthan Gazette, extraordinary Part 3 (kh) dated 11th July, 1984 as required by section 115 of the said Act namely :—

RULES

1. These rules may be called **the Rajasthan Factories (Amendment) Rules, 1985** and shall come into force from the 1st day of April 1985.

2. (i) In sub-rule (1) of rule 4 after the expression "grant of licence therefore" the following expression "for a period not exceeding three years", shall be added.

(ii) In sub-rule (1) of rule 4 before the existing proviso, the following new proviso shall be added, namely :—

"Provided that if the period for which the licence is applied for is one year or more but does not exceed three years, the fees payable therefor, per year shall be at the rate specified in Schedule A & B as prescribed under rule 4."

(iii) In the existing proviso of sub-rule (1) of rule 4 between the word "provided" and word "that" the word "further" shall be inserted.

(b) In sub-rule (2) of rule 4 the expression "or a cross cheque" and expression "or an invoice for book adjustment" shall be deleted.

(c) The Schedule "A" prescribed under rule 4 shall be substituted by the following schedule :—

SCHEDULE—"A"

"Scale of fees payable per year for original licence and for renewal of licences for the factories other than electricity genarating, transforming or transmitting, factories,"

(omitted)

(d) In form No. 2 prescribed in rule 4 the following shall be inserted, namely :—

(i) In column 7 & 8 between the word "Full Name" and "residential" the word ",with father's name" shall be added.

(ii) In form No. 2 in the end of the application below the "signature occupier" and "Signature of Manager" in the bracket the expression "(Full name of Occupier)" and "(Full name of the Manager)" shall be added.

3. (a) In sub-rule (1) of rule 5 between the expression "grant a licence" and "in form No. 4" the expression "for a period not exceeding three years at a time" shall be inserted.

(b) In sub-rule (2) of rule 5 for the word "December" the word "March" shall be substituted.

4. (i) in sub-rule (1) of rule 6 between the expression "under rule 5" and "may be amended" the expression "or renewed under rule 7" shall be inserted.

(ii) In sub-rule (4) of rule 6 for word "Five" the word "Ten" shall be substituted.

5. (1) (a) In sub-rule (1) of rule 7 after the expression "for the renewal of licence" the expression "for a period not exceeding three years" shall be inserted.

activities, whether as a bootlegger or dangerous person or drug offender or property grabber, which effect adversely or are likely to affect adversely the maintenance of public order.

Explanation : For the purpose of this sub-section, public order shall be deemed to have been affected adversely or shall be deemed likely to be affected adversely *inter alia* if any of the activities of any person referred to in this sub.section directly or indirectly, is causing or is likely to cause any harm, danger or alarm or feeling of insecurity among the general public or any section thereof or a grave or widespread danger to life, property or public health.

4. *Execution of detention orders.*—A detention order may be executed at any place in the State in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973 (II of 1974).

5. *Powers to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the State Government may, by general or special order, specify ; and

(b) to be removed from one place of detention to another place of detention, within the State by order of the State Government.

6. *Grounds of detention severable.*—Where a person has been detained in pursuance of an order of detention under section 3 which has been made on two or more grounds such order of detention shall be demeed to have been made separately on each of grounds and accordingly—

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—

(i) vague,

(ii) not-existent,

(iii) not-relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever,

and it is not, therefore, possible to hold that the Government or Officer making such order would have been satisfied as provided in section 3 with reference to the remaining ground or grounds and made the order of detention ;

(b) the Government or Officer making the order of detention shall be deemed to have made the order of detention under the said section after being satisfied as provided in that section with reference to the remaining ground or grounds.

7. *Detention order not to be invalid or inoperative on certain grounds.*—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder, though, within the State, is outside the limits of the territorial jurisdiction of the authorised officer making the order, or

(b) that the place of detention of such person though, within the State, is outside the said limits.

8. *Powers in relation to absconding persons.*—(1) If the State Govern-

ment or any authorised officer has reason to believe that a person in respect of whom a detention order has been made has absconded, or is concealing himself so that the order cannot be executed, then the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973 (II of 1974), shall apply in respect of such person and his property, subject to the modifications mentioned in this sub-section and, irrespective of the place where such person ordinarily resides, the detention order made against him shall be deemed to be a warrant issued by a competent Court. Where the detention order is made by the State Government, an Officer, not below the rank of District Magistrate or Commissioner of Police authorised by the State Government in this behalf, or where the detention order is made by the authorised officer, as the case may be, shall, irrespective of his ordinary jurisdiction, be deemed to be empowered to exercise all the powers of the competent Court under sections 82, 83, 84 and 85 of the said Code for issuing a proclamation for such person and for attachment and sale of his property situated in any part of the State and for taking any other action under the said sections. An appeal from any order made by any such officer rejecting an application for restoration of attached property shall lie to the Court of Sessions having jurisdiction in the place where the said person ordinarily resides, as provided in section 86 of the said Code.

(2) (a) Notwithstanding anything contained in sub-section (1), if the State Government or an authorised officer has reason to believe that a person in respect of whom a detention has been made has absconded or is concealing himself so that the order cannot be executed, the State Government or the officer, as the case may be, may, by order notified in the official Gazette, direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(b) Where such person fails to comply with such order, then unless, he proves that it was not possible for him to comply therewith, and that he had, within the period specified in the order order, informed the officer mentioned in the order of the reasons which rendered compliance therewith impossible and of his whereabouts, or proves that it was not possible for him to so inform the officer mentioned in the, order, he shall, on conviction, be punished with imprisonment for a term may extend to one year, or with fine, or with both.

(c) Notwithstanding anything contained in the said Code, every offence under clause (b) shall be cognizable.

9. *Grounds of order of detention to be disclosed to detenu.*—(1) When a person is detained in pursuance of a detention order the authority making the order shall, as soon as may be, but not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

10. *Constitution of Advisory Boards.*—(1) The Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Ordinance.

(2) Every such Board shall consist of a Chairman and two other members, who are, or have been, Judges of any High Court or who are qualified under the Constitution of India to be appointed as Judges of a High Court :

Provided that the Chairman of such Board shall be a person who is, or has been, a Judge of a High Court.

11. *Reference to Advisory Board.*—In every case where a detention order has been made under this Ordinance, the State Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 10 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and where the order has been made by an authorised officer, also the report made by such officer under sub-section (3) of section 3.

12. *Procedure of Advisory Board.*—(1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the State Government from the detenu and if, in any particular case, the Advisory Board considers it essential so to do or if the detenu desires to be heard, after hearing the detenu in person, submit its report to the State Government, within seven weeks from the date of detention of the detenu.

(2) The report of the Advisory Board shall specify in a separate art thereof the opinion of the Advisory Board as to whether or not there s sufficient cause for the detention of the detenu.

(3) When there is a difference of opinion among the members for-ing the Advisory Board the opinion of the majority of such members all be deemed to be the opinion of the Board.

(4) The proceedings of the Advisory Board and its report, excepting at part of the report in which the opinion of the Advisory Board is ecified shall be confidential.

(5) Nothing in this section shall entitle any person against whom a tention order has been made to appear by any legal practitioner in any atter connected with the reference to the Advisory Board.

13. *Action upon report of Advisory Board.*—(1) In any case where the visory Board has reported that there is, in its opinion sufficient cause the detention of the detenu, the State Government may confirm the ention order and continue the detention of the detenu for a period, exceeding maximum period prescribed by section 14 as it thinks fit.

(2) In any case where the Advisory Board has reported that there in its opinion, no sufficient cause for the detention of the person con- ed, the State Government shall revoke the detention order and cause detenu to be released forthwith.

14 *Maximum period of detention.*—The maximum period for which person may be detained, in pursuance of any detention order made r this Ordinance which has been confirmed under section 13, shall be year from the date of detention.

15. *Revocation of detention orders.*—(1) Without prejudice to the pro- ns of section 21 of the Bombay General Clauses Act, 1904 (Bombay 1904) a detention order may, at any time, for reasons to be recorded

in writing, be revoked or modified by the State Government, notwithstanding that the order has been made by an authorised officer.

(2) The expiry or revocation of a detention order (hereinafter in this sub section referred to as the earlier detention order) shall not bar the making of another detention order (hereinafter in this sub-section referred to as the subsequent detention order) under section 3 against the same person :

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall, in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order.

16. *Temporary release of persons detained.*—(1) The State Government may, at any time, for reasons to be recorded in writing, direct that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the directions as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any detenu under sub-section (1), the State Government may require him to enter into a bond, without sureties, for the due observance of the conditions specified in the direction.

(3) Any detenu released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

( ) If any detenu fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any detenu released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

17. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or person, for anything in good faith done or intended to be done in pursuance of this Ordinance.

18 *Matters within the purview of this Ordinance to be dealt with under this Ordinance, only.*—On and after the commencement of this Ordinance, no order of detention under the National Security Act, 1980 (65 of 1980), shall be made by the State Government or any officer subordinate to it, in respect of any boot-legger, drug offender, dangerous person, immoral traffic offender, or property grabber in the State on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, in so far as an order under this Ordinance could be made for detention of such person.

STATEMENT

It is noticed by the State Government that activities of certain anti-social persons who in common parlance are known in the society as boot-leggers, drug offenders, goondas (dangerous persons) immora traffic offenders and property grabbers cause feeling of insecurity among the general public, as also grave and widespread danger to the life and property of the public and thereby affect the maintenance of public order in the State. With a view to maintaining the public order in the State, it is considered necessary to enact a special legislation for the detention of such anti-social persons.

2. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid abject.

Gandhinager,
Dated the 26th May, 1985.

B. K. NEHRU,
Governor of Gujarat,

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (GUJARAT AMENDMENT) ORDINANCE, 1985

Published in the *Gujarat Government Gazette, (Ext.)*, dated June 11. 1985

GUJARAT ORDINANCE NO. 12 OF 1985

An Ordinance further to amend the Bombay Provincial Municipal Corporations Act, 1949.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949) ;

Now, therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Bombay Provincial Municipal Corporations (Gujarat Amendment) Ordinance, 1985.**

(2) It shall come into force at once,

2. *Bom. LIX of 1949 to be temporarily amended.*—During the period of operation of this Ordinance, the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 and 4

3. *Amendment of section 129 of Bom. LIX of 1949.*—In the principal Act, in section 129.

(1) to clause (a), the following proviso shall be added, namely :—

"Provided that the minimum amount of such tax to be levied in respect of any one separate holding of land or of, any one building or of any one portion of a building which is let as a separate holding shall be five rupees per mensem ;" ;

(2) in clause (b), for the words "eight annas", the words "five rupees" shall be substituted.

4. *Insertion of new section 141A to Bom. LIX of 1949.*—In the principal Act, under the heading "Liability for Property Taxes", after section 141, the following section shall be inserted, namely :—

"141-A. *Levy of interest on the sum due on account of property tax.*—If any person liable to pay property tax under this Chapter does not pay the property tax within the time prescribed for its payment under the rules made, therefor, there shall be paid by such person for the period commencing on the date of the expiry of the aforesaid prescribed time and ending on the date of the payment of the amount of property tax, simple interest at the rate of 24 per cent per annum on the amount of property tax not so paid or any less amount thereto remaining unpaid during such period".

STATEMENT

In order to enable the Municipal Corporations to implement World Bank aided urban development projects it is considered necessary to improve their financial resources. In relation to water tax leviable under clause (a) of section 129 of the Bombay Provincial Municipal Corporations Act, 1949, there is no minimum prescribed therefore. Whereas the minimum rate prescribed in relation to conservancy tax under clause (b) of the said section 129 is only eight annas per mensem. It is, therefore, proposed to specify five rupees per mensem as the minimum amount of water tax to be levied and to raise the minimum amount of conservancy tax from eight annas per mensem to five rupees per mensem.

In order that the assessees may pay property taxes within the prescribed time it is considered necessary to impose a simple interest at the rate of 24 per cent per annum on the amount of arrears of property taxes due from them.

As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar,
Dated the 13th June, 1985

B. K. NEHRU,
Governor of Gujarat.

THE GUJARAT TOWN PLANNING AND URBAN DEVELOPMENT (AMENDMENT) ORDINANCE, 1985

Published in the *Gujarat Govt. Gazette, (Ext.)*, dated June 12, 1985.

GUJARAT ORDINANCE NO. 13 OF 1985

An Ordinance further to amend the Gujarat Town Planning and Urban Development Act, 1976.

Whereas the Legislative Assembly of the State of Gujarat is not in session ;

And Whereas the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Town Planning and Urban Development Act, 1976 (Presi. Act No. 27 of 1976) ;

Now therefore, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namaly —

1. *Short title and commencement.*—(1) This Ordinance may be called **the Gujarat Town Planning and Urban Development (Amendment) Ordinance, 1985.**

(2) It shall come into force at once.

2. *President's Act No. 27 of 1976 to be temporarily amended.*—During the period of operation of this Ordinance, the Gujarat Town Planning and Urban Development Act, 1976 (Presi. Act No. 27 of 1976) (hereinafter referred to as "the principal Act") shall have effect subject to the amendments specified in sections 3 to 7.

3. *Amendment of section 40 of President's Act No. 27 of 1976.*—In the principal Act, in section 40,—

(a) in sub-section (2), for clause (ii), the following clause shall be substituted, namely :—

"(ii) likely to be used for commercial or industrial or for building purposes ; or" ;

(b) in sub-section (3), after clause (j), the following new clause shall be inserted, namely :—

"(jj) the reservation of land to the extent of ten per cent, or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of sale for residential, commercial or industrial use."

4. *Amendment of section 77 of President's Act No. 27 of 1976.*—In the principal Act, in section 77, in sub-section (1),—

(a) to clause (b), the following proviso shall be added, namely :—

"Provided that the estimate shall be with reference to the period during which the preliminary scheme is to be implemented after it is sanctioned under section 65" ;

(b) after clause (f), the following new clause shall be inserted, namely :—

"(g) twenty percent of the aggregate of the amounts referred to in clauses (a) to (f) towards the cost of such infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of an incidentiol to the scheme".

5. *Substitution of section 78 of President's Act No. 27 of 1976.*—In the principal Act, for section 78, the following section shall be substituted, namely :—

"78. *Calculation of Increment.*—For the purpose of this Act, the increments shall be deemed to be the amount by which such market value of the plot included in the final scheme as would be estimated on the date on which the final scheme is likely to be sanctioned under section 65 on the assumption that the scheme has been completed on the date and with reference to improvements contemplated in the scheme would exceed on the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme :

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plots shall not be taken into consideration.

6 *Amendment of section 87 of President's Act No. 27 of 1976.*—In the principal Act in section 87, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) If the owner elects to pay the amount by instalements, interest at such rate as arrived at by adding two percent to the bank rate published under section 49 of the Reserue Bank of India Act, 1934 (II of 1934), from time to time, shall be charged per annum on the net amount payable".

7. *Delection of section 121 of President's Act No. 27 of 1976.*—In the principal Act, section 121 shall be deleted.

STATEMENT

In the light of the experience gained in the admission of the Gujarat Town Planning and Urban Development Act, 1976. the following amendments have become neeessary :—

(1) A doubt has arisen as to whether a town planning scheme could be made in respect of land which is likely to be used for commercial or industrial porposes. In order to remove such doubt suitable amendment is necessary in sub-section (2) of section 40 of the said Act.

(2) In order to meet with part of the cost of a town planning scheme it is necessary to reserve land to the extent of 10 percent of the total area covered under the scheme for the purpose of sale for residential, commercial or inudstrial use. It has, therefore, become necessary to amend sub-section (3) of section 40.

(3) The existing clause (b) of sub-section (1) of section 77 of the said Act refers to sums estimated to be spent by the appropriate authority in the making and execution of the scheme. It is not clear as to the period with reference to which sums are to be so estimated. Hence it is considered necessary to make a provision that the estimates shall be with reference to the period during which the preliminary scheme is to be implemented after it is sanctioned under section 65 of the Act.

(4) In order to meet with part of the cost of town planning scheme referred to in sub-section (1) of section 77 of the Act, it is considered necessary to include therein 20 per cent of the aggregate of the amounts referred to in clauses (a) to (f) of the said sub-section (1) towards the cost of infrastructure provided in the area adjacent to the area of scheme as is necessary for the purpose and incidental to the scheme.

(5) Under the existing section 78 the increments are calculated with reference to the date of declaration of intention to make a scheme. Since final scheme is sanctioned after a lapse of considerable period after such declaration, the calculation of increment on the basis of the date of declaration of intention does not reflect the real value of the increment and hence it has become necessary to provide for calculation of increment with reference to the date on which the final scheme is sanctioned under section 65 of the Act.

(6) It is necessary to make provision in section 87 for charging of interest in cases where an owner elects to pay the amount due to the appropriate authority by instalments under that section.

(7) It is considered necessary to delete section 121 so as to provide for the continuation of the benefit of the Bombay Tenancy and Agricultural Lands Act, 1948 and the Bombay Tenancy (Vidharbha Region and Kutch Area) Act, 1958, to the tenants of an area although such area may be included in the town planning scheme.

2. As the Gujarat Legislative Assembly is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar, B. K. NEHRU,
Dated the 11th June, 1985. Governor of Gujarat.

Section 33, clause (a), (b), (c), (d), (f) and (h) of sub-section (1).
Section 42,
Section 63.

(c) No person accused of any offence referred to in clause (b), shall if, in custody, be released on bail or his own bond unless,—

(i) the prosecution has been given an opportunity to oppose the application for such release, and

(ii) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence."

20. *Amendment of section 67 of Act XVI of 1927.*—In section 67 of the principal Act,—

(a) for the words and figures "the Code of Criminal Procedure, 1898 (V of 1898), the words and figures "the Code of Criminal Procedure, 1973 (II of 1974)" shall be substituted ;

(b) for the words "not exceeding six months, or fine not exceeding five hundred rupees or both", the words "not exceeding one year, or fine not exceeding two thousand rupees, or both, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial ; but, notwithstanding anything contained in the said Code, in the case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass sentence of imprisonment for any term for which such offence is punishable under this Act" shall be substituted.

21. *Amendment of section 72 of Act XVI of 1927.*—In section 72 of the principal Act, in sub-section (1), in clause (c), for the words and figures "the Code of Criminal Procedure, 1898 (V of 1898), the words and figures "the Code of Criminal Procedure, 1973 (II of 1974)" shall be substituted.

THE BOMBAY PUBLIC TRUSTS (AMENDMENT) ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the President on the 28th May, 1985, was published in the *Maharashtra Government Gazette*, Part IV, dated June 10, 1985.

MAHARASHTRA ACT NO. VIII OF 1985

An Act to amend the Bombay Public Trust Act, 1950.

Whereas it is expedient further to amend the Bombay Public Trust Act, 1950 (Bom. XXIX of 1950), for the purposes hereinafter appearing ; It is hereby enacted in the Thirty-fifth Year of the Republic of India, as following :—

1. *Short title and commencement.*—(1) This Act may be called **the Bombay Public Trusts (Amendment) Act, 1984**.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 41A of Bom. XXIX of 1950.*—In section 41A of the Bombay Public Trust Act, 1950 (XXIX of 1950) (hereinafter referred to as "the principal Act"), in the marginal note, after the word "directions" the words "for proper administration of the trust" shall be added.

3. *Insertion of section 41AA in Bom. XXIX of 1950.*—After section 41A of the principal Act, the following section shall be inserted, namely :—

"**41AA.** *Power of Charity Commissioner and State Government to issue dire-*

ctions in respect of hospitals, etc. to earmark certain beds etc. for poor patients to be treated free of charge or a concessional rate.—(1) Notwithstanding anything contained in any law for the time being in force or in any instrument of trust or in any contract or in any judgment, decree or order of any Court, Tribunal, Charity Commissioner or other competent authority, in the case of any State-aided public trust, whose annual expenditure exceeds five lakhs of rupees, or such other limit as the State Government may, from time to time, by notification in the Official Gazette specify, with a view to making essential medical facilities available to the poorer classes of the people, either free of charge or at concessional rates, it shall be lawful for the Charity Commissioner, subject to such general or special order as the State Government may, from time to time, issue in this behalf, to issue all or any of the following directions to the trustees of, or persons connected with, any such trust, which maintains a hospital (including any nursing home or maternity home), dispensarr or any other centre for medical relief (hereinafter referred to as "the medical centre") namely :—

(a) having regard to the accommodation and facilities available to admission to the medical centre open to any person without any discrimination on the ground of religion, race, caste, sex, place of birth, language or any of them :

Provided that, where a medical centre is exclusively for females, treatment for any males at such centre shall not be insisted upon ;

(b) to reserve and earmark ten per cent. of the total number of operational beds and ten per cent of the total capacity of patients treated at such medical centre for medical examination and treatment in each deportment of the medical centre, in such manner as may be specified in the directions, of the indigent patients seeking admission or treatment, who shall be medically examined and treated and admitted, as the case may be, free of charge ;

(c) to reserve and earmark ten per cent of the total number of operational beds and ten per cent of the total capicity of patients treated at such medical centre, for medical examination treatement in each department of the medical centre, in such manner as may be specified in the directions for the weaker sections of the people seeking admission for medical examination and treatment, who shall be charged according to such rates as the State Government may, by general or special order, determine from time to time having regard to the rates charged by the State Government in the corresponding medical centres maintained by it ;

(d) to comply with such other incidental or supplemental requirement as may be specified in the directions or in any general or special orders issued thereunder :

Provided that while issuing any directions as aforesaid the Charity Commissioner shall take into consideration such facilities as are already made available by any such medical centre and having regard to the availability of such facilities may give appropriate directions if any, consistent with and subject to the percentage specified in clauses (b) and (c).

(2) (a) It shall be lawful for the officer duly authorised by the State Government in this behalf, or for the Charity Commissioner by himself or through his representative duly authorised by him in this behalf, to verify the implementation of the directions given under sub-section (1) to any medical centre, and, for that purpose, visit, inspect and call for information and returns periodically or otherwise.

(b) It shall be the duty of every trustee of, or person connected with, such medical centre to comply with the directions issued under sub-section (1) and to afford all reasonable facilities and assistance required by the said officer or the Charity Commissioner or his representative for verification of the implementation of such directions under clause (a) and to comply with the requirements thereunder.

(c) In case there arises any dispute relating to the interpretation, implementation or any matter whatsoever in respect of any direction issued under sub-section (1). it shall be referred to the State Government, through the Charity Commississioner, for appropriate directions.

(3) Nothing in sub-sections (1) and (2) shall prejudicially affect any medical facilities of whatever nature which any such State-aided public trust has provided by virtue of any condition subject to which any grant, exemption, concession, etc. referred to in clause (a) of sub-section (4) has been granted or received by it or otherwise and such medical facilities which are in operation on the date of commencement of the Bombay Public Trusts (Amendment) Act, 1984 (Mah. VIII of 1985), shall continue as before if they exceed the percentage of reserved and earmarked category.

(4) For the purposes of this section,—

(a) "State-aided public trust" means a public trust exclusively for medical relief or for medical relief and other charitable purposes, which maintains a hospital (including any nursing home or maternity home), dispensary or any other centre for medical relief, and which—

(i) has received any grant of land or building, either on ownership basis or on lease or leave and licence, at a nominal or concessional rate, from the State Government or the Central Government or any local authority; or

(ii) has been given by the State Government any exemption or permission to continue to hold any vacant land under section 20 or 21 of the Urban Land (Ceiling and Regulation) Act, 1976 (XXXIII of 1976); or

(iii) has been given any concession or exemption or relaxation of a substantial nature from the Development Control Rules by any competent authority for the purposes of the trust; or

(iv) has received any loan or guarantee or any non-recurring grant-in-aid or other financial assistance or is receiving any recurring grant-in-aid or other financial assistance from the State Government, the Central Government or any local authority.

(b) "indigent person" means a person whose total annual income does not exceed three thousand and six hundred rupees or such other limit as the State Government may, from time to time, by notificatinn in the *Official Gazette*, specify.

(c) "person belonging to the weaker sections of the people" means a person who is not an indigent person, but whose income does not exceed fifteen thousand rupees per annum or such other limit as the State Government may, from time to time, by notification in the *Official Gazette*, specify;

(d) it shall be the duty of the governing body (by whatever name called) of every medical centre to get the category of a patient duly verified and recorded in a register kept for the purpose in the prescribed form before he is admitted or treated as as patient within the reserved and earmarked percentage under sub-section (1). If there is any dispute as to the category of a patient, it shall be referred to the State Government, through the Charity Commissioner, for appropriate direction.

(5) Notwithstanding anything continued in the foregoing provisions of this section, any person, who desires to undergo an operation for sterilization or an *intra-ocular* operation or who desires to undergo any operation or medical treatment specified by the State Government in this behalf, shall not be entitled, and shall not be allowed, to seek admission in any hospital or other medical centre in the reserved or earmarked quota provided under this section.".

4. *Amendment of section 66 of Bom. XXIX of 1950.*—In section 66 of the principal Act, in the Table, after the entry relating to section 35, the following entry shall be inserted, namely:—

"**Section 41AA**	Failure without reasonable cause to comply with any directions issued under that section.	2,000"

5. *Amendment of section 81 of Bom. XXIX of 1950.*—In section 81 of the principal Act, after the words "or authority" the words "or representative of the Charity Commissioner" shall be inserted.

THE BOMBAY SALES TAX (AMENDMENT) ORDINANCE, 1985

Published in the *Mahararshtra Govt. Gazette*, Part IV, dated May 24, 1985.

MAHARASHTRA ORDINANCE NO. V OF 1985

An Ordinance further to amend the Bombay Sales Tax Act, 1959.

Whereas both House of the State Legislature are not in session ;

And Whereas I, Shri Konda Mahadev Reddy, discharging the functions of the Governor of Maharashtra, am satisfied that circumstances exist which render it necessary for me to take immediate action further to amend the Bombay Sales Tax Act, 1959 (Bom. LI of 1959), for the purposes hereinafter appearing ;

Now, Therefore, in exercise of the powers conferred by clause (1) of Arttcle 213 of the Constitution of India, I, Shri Konda Mahadev Reddy, discharging the functions of the Governor of Maharashtra hereby make and promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Bombay Sales Tax (Amendment) Ordinance, 1985**.

(2) This Ordinance shall come into force at once.

2. *Amendment of section 2 of Bom. LI of 1959.*—In section 2 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) (hereinafter referred to as "the principal Act"),—

(a) after clause (5A), the following clause shall be inserted, namely :—

"(5B) "Certificate of Entitlement" means a certificate of entitlement issued by the Commissioner under entry 136 of the Schedule to the notification issued under section 41 ;";

(b) after clause (9), the following clause shall be inserted, namely :—

"(9A) "cumulative quantum of benefit" means,—

(i) the sales tax or purchase tax or both which would have been payable on the purchase of raw material,

(ii) the sales tax payable on the sales of its finished products by the Eligible Unit under this Act, and

(iii) the tax payable under the Central Sales Tax Act, 1956 (LXXIV of 1956), on the sales of finished products of Eligible Unit made in the course of inter-State trade or commerce computed at the rate of 4 paise in the rupee.

but for the exemption admissible under the Certificate of Entitlement.

Explanation.—For the purpose of cumulative computatton of a benefit the tax calculated at the prescribed rates on the value of goods transferred otherwise than by way of sales shall also be included ;";

(c) after clause (12), the following clauses shall be inserted, namely:—

"(12A) "Eligibility Certificate" means a certificate granted by SICOM or the relevant Regional Development Corporation under the Package Scheme of Incentives desiged by the State Government, for promoting industrialization of the backward areas of the State;

(12B) "Eligible Unit" means the Industrial Unit in respect of which an Eligiblity Certificate is issued;";

(d) after clause (25), the following clause shall be inserted, namely:—

"(25A) "relevant Regional Development Corporation" —

(a) in relation to the Vidarbha area of the State, means the Development Corporation of Vidarbha Limited, a Government Company registered under the Companies Act, 1956 (1 of 1955);

(b) in relation to the Konkan revenue division excluding the City of Bombay and the Bombay Suburban Districts, means the Development Corporation of Konkan Limited, a Government Company registered under the Companies Act, 1956 (1 of 1956);

(c) in relation to the Marathwada area of the State, means the Marathwada Development Corporation Limited, a Government Company registered under the Company Act, 1956 (1 of 1956);

(d) in ralation to the rest of Maharashtra, means the Western Maharashtra Development Corporation Limited, a Government Company registered under the Companies Act, 1956 (1 of 1956);

(e) after clause (30) the following clause shall be inserted namely:—

"(30A) "SICOM" means the State Industrial and Investment Corporation of Maharashtra Limited, a Government Company registered under the Companies Act, 1956 (I of 1956);".

3. *Amendment of section 36 of Bom. LI of 1959.*—In section 36 of the principal Act, in sub-section (3), in the second proviso, for the portion beginning with the words "no penalty" and ending with the words "Development Corporation" the following shall be substituted, namely:—

"without prejudice to the provisions of section 41A, no penalty under this section shall be payable by a dealer to whom an Eligibility Certificate has been granted by the SICOM or by the relevant Regional Development Corporation".

4. *Amendment of section 38 of Bom. LI of 1959.*—In section 38 of the principal Act, in sub-section (4) in the second proviso, for the portion beginning with the words "State Industrial" and ending with the words "Development Corporation", the following shall be substituted, namely:—

"SICOM or by the relevant Regional Development Corporation."

5. *Insertion of section 41A in Bom. LI of 1959.*—After section 41 of the principal Act, the following section shall be inserted, namely:—

"41A. *Cumulative quantum of benefit not to exceed one hundred per cent. of gross fixed capital investment, etc.*—(1) Notwithstanding anything contained in this Act or in any judgement decree or order of any Court or Tribunal to the contrary, on and after the date of commencement of the Bombay Sales Tax (Amendment) Ordinance, 1985 (Mah. Ord V of 1985), (hereinafter in this section referred to as "the commencement date") the cumulative quantum of benefit drawn or availed of by any registered dealer of an Eligible Unit in respect of payment of any tax by virtue of the exemption granted under the provisions of section 41 shall not exceed one hundred per cent. of the gross fixed capital investment of the Eligible Unit as approved at the time of grant of Eligibility Certificate, or such other lower ceilings of percentage, if any, as may be provided under the Eligibility Certificate issued in accordance with the provisions of any Package Scheme of Incentives.

(2) Where, in the case of any registered dealer of an Eligible Unit the cumulative quantum of benefit availed of by him, has exceeded the limit laid down in sub-section (1) on the commencement date, or exceeds such limit on any day after the commencement date, then the Eligibility Certificate shall cease to have any effect in relation to the exemption from payment of tax under this Act or under the Central Sales Tax Act, 1956 (LXXIV of 1956), and the Certificate of Entitlement shall stand automatically cancelled on the commencement date or any such day, as the case may be, and such registered dealer shall not be entitled to claim any further benefit of exemption from payment of such tax under the Eligibility Certificate or the Certificate of Entitlement on or after the commencement date or any such day, as the case may be, and the dealer shall surrender the Certificate of Entitlement together with all the unused Form BC which have been attested by the Sales Tax authorities to the Commissioner forthwith and in any case within 15 days from the commencement date or any such day.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no registered dealer of an Eligible Unit shall be entitled to claim any benefit of exemption from payment of any tax beyond the period covered by the Eligibility Certificate and the provisions of sub-section (2) regarding surrender of the Certificate of Entitlement together with the unused Form BC shall *mutatis mutandis* apply to such registered dealer.".

6. *Amendment of section 63 of Bom. LI of 1959.*—In section 63 of the principal Act—

(a) in sub-section (10), after clause (d), the following clause shall be inserted, namely:—

"(d-1) fails without sufficient cause to surrender the Certificate of Entitlement together with all unused Form BC as required under sub-section (2) or (3) of section 41A, or";

(b) in sub-section (13), after the brackets and letter "(d)", the brackets, letter and figure "(d-1)", shall be inserted.

STATEMENT

The Government of Maharashtra has announced the Package Scheme of Incentives, 1979, under Goveanment Resolution, Industries, Energy and Labour Department, No. IDL-7079/(2043)/IND-8, dated 5th January 1980 which provides *inter alia* that the small-scale units set in the industriall backward areas in the State would be eligible for Sales Tax exemption for period ranging from 5 to 9 years without any limit. Subsequently it wa noticed that in the absence of any limit on the benefit of exemption of Sal

Tax derived from the Package Scheme of Incentives, 1979, many a small-scale unit were able to exploit the concession and earned such incentives in Sales Tax exemption exceeding 100 per cent. of their gross fixed capital investment in the eligible small-scale unit. This has resulted in a huge draw on the public exchequer. which was never intended by the State Government when the Package Scheme of Incentives, 1979, was designed and announced. The concession of exemption of Sales Tax granted to such small-scale units has rendered this Scheme inequitable as against the Government. The existing small-scale units also represented to Government that the new small-scale units claiming benefits under the Package Scheme of Incentives, 1979, took undue advantage of not laying down any limit in claiming exemption of tax and are creating unhealthy trade practice and competition.

2. Therefore, by Government Resolution, Industries, Energy and Labour Department, No. IDL-7012/(3559)/IND-8, dated 5th July 1982, Government sought to modify the Package Incentive Scheme and the benefits derived from the Incentives were then limited to 100 per cent. of the fixed capital investment of the small-scale units. The Package Scheme of Incentives, 1979, provides for giving notice of 6 months for any change or modification in the Scheme and accordingly the modified Scheme dated 5th July 1982 was proposed to be brought into force in respect of small-scale units with effect from 10th January 1983. However during the intervening period of notice, a number of small-scale units particularly the oil units tried to take advantage of the unlimited incentives to the disadvantage of the existing units and also caused loss to the public exchequer in respect of revenue from Sales Tax and attempts of the State Government to regulate the incentives in respect of these units led to litigation. After the decision of the Bombay High Court in Tapti Oil Industries and Another *versus* State of Maharashtra and Others reported in (1984) 56 STC 193, a large majority of registered dealers covered by the Package Scheme of Incentives, 1979, claim benefit of tax exemption without any limit thus causing a continuing loss to the revenue.

3. Government, therefore, considers it expedient that it will not be in the public interest to continue the concession which is rendered inequitable against the Government and for that matter to make suitable provisions in the Bombay Sales Tax Act, 1959 immediately so as to limit the benefit derived by virtue of the exemption availed of in respect of the payment of sales tax under the Package Incentive Schemes in general to the extent of one hundred per cent. of the gross fixed capital investments of the eligible unit as approved at the time of the grant of eligibility cettifiate or such other lower ceiling of percentage, if any, as may be provided under the Eligibility Certificate issued in accordance with the provisions of any Package Scheme of Incentives, and consequently, to provide for automatic cancellation of the certificate of entitlement granted by the Commissioner of Sales Tax.

4. As both Houses of the State Legislature are not in session and it is necessary to take immediate action further to amend the Bombay Sales Tax Act, 1959 for the purposes aforesaid, this Ordinance is promulgated.

KONDA MADHAVA REDDY,
Discharging the functions of the
Governor of Maharashtra.

Dated the 24 May 1985.

THE MAHRASHTRA RESETTLEMENT OF PROJECT DISPLACED PERSONS (AMENDMENT AND VALIDATION) ORDINANCE, 1985.

Published in the *Maharashtra Govt. Gazette*, Part IV, dated June 11, 1985.

MAHARASHTRA ORDINANCE NO. VI OF 1985

An Ordinance further to amend the Maharashtra Resettlement of Project Displaced Persons Act 1976 and make certain validating provisions.

Whereas both Houses of the State Legislature in session ;

And whereas the Governor of Maharashtra is satisfied that circumstance exist which render it necessary for him to take immediate action to amend the Maharashtra Resettlement of Project Displaced Persons Act, 1976 (Mah. XLI of 1976), for the purposes hereinafter appearing ;

And whereas the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 14 of Mah. XLI of 1976.*—In section 14 of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 (Mah. XLI of 1976) (hereinafter referred to as "the principal Act"), for sub-section (2), the following sub-section shall be substituted, and shall be deemed always to have been substituted, namely :—

"(2) The declaration under sub-section (1) shall call upon the persons interested in the land to make (if any) objections to, and suggestions for the inclusion of any land in the area referred to in clause (a) or clause (b) of sub-section (1), and send them to the Collector and Deputy Director of Resettlement (Land) within a period of not less than thirty days as may be specified in the notification."

3. *Amendment of section 17 of Mah. XLI of 1976.*—In section 15 of the principal Act, in sub-section (1) for the portion beginning with the words "The State Government shall", and ending with the words "further inquiry as it may think fit", the following shall be substituted, and shall be deemed always to have been substituted, namely :—

"The Collector and Deputy Director of Resettlement (Land) shall, with all reasonable despatch, forwards the objections and suggestions, if any received under sub-section (2) of section 14, together with his report in respect thereof, to the State Government and on considering the report and the objections and suggestions, if any, as also the suggestions, if any, received by it under sub-section (3) of section 14, the State Government shall.".

4. *Validation of final declaration issued under section 15, and of acquisi- of land under section 16 of Mah. XLI of 1976.*—(1) Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court, every final declaration made or purporting to have been made under section 15 of the principal Act before the commencement of

Published in *the Bihar Gazette, (Ext·)*. dated March 1, 1985

THE BIHAR CONTINGENCY FUND (AMENDMENT) ORDINANCE, 1985.

BIHAR ORDINANCE NO. 10 OF 1985

An Ordinance to amend the Bihar Contingency Fund Act 1950.

Promulgated by the Governor of Bihar in the thirty-fifth years of the Republic of India.

Preamble·—And, whereas, the Legislature of the State of Bihar is not in session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Contingency Fund Act, 1950 (Bihar Act 19 of 1950), in the manner hereinafter appearing :

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and Commencement.*—(1) This Ordinance may be called **the Bihar Contingency Fund (Amendment) Ordinance, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 4 of Bihar Act 19 of 1950.*—For the proviso to section 4 of the Bihar Contingency Fund Act, 1950 (Bihar Act 19 of 1950) hereinafter referred to as the said Act), the following proviso shall be substituted, namely :—

"Provided that during the period beginning on the date of commencement of the Bihar Contingency Fund (Amendment) Ordinance, 1984, and ending on 31st day of March, 1985, this section shall have effect subject to the modification that for the words "fifty crores of rupees the words "Two hundred and fifty crores of rupees" shall be submitted."

3. *Amendment of section 5 of Bihar Act, 19 of 1950.*—In section 5 of the said Act the following proviso shall be added, namely :—

"Provided that if advance made from the Contingency Fund in any financial year is authorised by the State Legislature in the current financial year or in succeeding financial year and the amount of such authorisation exceeds the permanent corpus of the Fund, the amount in excess of the permanent corpus shall be placed to the credit of the Consolidated Fund of the State and not to the Contingency Fund."

4. *Repeal and Savings.*—(1) The Bihar Contingency Fund Second Ordinance, 1984, (Bihar Ordinance No. 12 of 1984) is hereby repealed.

(2) Nothwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Ordinance as if this Ordinance was in force on the day on which such thing or action was done or taken.

A. R. KIDWAI,
Governor of Bihar.

Dated the 1st March, 1985.

Published in *the Bihar Gazette*, (*Extra.*), dated March 1st, 1985

THE BIHAR NON-GOVERNMENT SECONDARY SCHOOL (TAKING OVER OF MANAGEMENT AND CONTROL) (AMENDMENT) ORDINANCE, 1985

BIHAR ORDINANCE NO. 11 OF 1985

An Ordinance to amend the Bihar Non-Government Secondary School (Taking over of Management and Control) Act, 1981.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Non-Government Secondary School (Taking over of Management and Control) Act, 1981 (Bihar Act No. 33, 1982) in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called **the Bihar Non-Government Secondary School (Taking over of Management and Control) (Amendment) Ordinance, 1985.**

(ii) It shall extend to the whole of the State of Bihar.

(iii) It shall come into force at once.

2. *Amendment of section 2 of Bihar Act 33 of 1982.*—In clause (d) of section 2 of Bihar Non-Government Secondary School (Taking over of Management and Control Act, 1981 (Bihar Act 33 of 1982) (hereinafter referred to as the said Act) for the words "any Trust, Association or Corporate Body" the words "any registered Trust, Association, Corporate Body, person or body of persons" shall be substituted.

3. *Amendment of section 19 of Bihar Act 33 of 1982.*—In section 19 of the said Act, for the words "Association or Corporate Body" the words "Association, Corporate Body, person, or body of persons" shall be substituted.

4. *Repeal and saving.*—(1) The Bihar Non-Government Secondary School (Taking over of Management and Control) (Amendment) Ordinance 1984 (Bihar Ordinance No. 15 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Ordinance as if this Ordinance were in force on the day on which such thing or action was done or taken.

Dated the 1st March, 1985.

A. R. KIDWAI,
Governor of Bihar.

Published in *the Bihar Gazette (Ext.)*, dated May, 18, 1985

THE BIHAR NON-GOVERNMENT SECONDARY SCHOOL, (TAKING OVER OF MANAGEMENT AND CONTROL) (AMENDMENT) SECOND ORDINANCE, 1985.

BIHAR ORDINANCE NO. 17 OF 1985

(Text not printed as it replaces Ordinance No. 11 of 1985, printed of p. 38) —*Editor*].

Published in *the Bihar Gazette* (*Ext.*) dated May 18, 1985.

THE BIHAR AND ORISSA EXCISE SECOND (AMENDMENT) ORDINANCE, 1985

BIHAR ORDINANCE NO. 20, 1985

(Text not printed as it replaces Ordinance No. 7 of 1985, printed at Page 31)—*Editor*]

Published in *the Bihar Gazette (Ext.)*, dated March 1, 1985

THE BIHAR ENTERTAINMENT TAX (AMENDMENT) ORDINANCE, 1985

BIHAR ORDINANCE NO. 9, 1985

(Text omitted as it replaces Bihar Ordinance No. 16 of 1984, printed at p. 18 of Part VII, 1985)—*Editor]*.

Published in the *Bihar Gazette* (*Ext.*), dated May 18, 1985.

THE BIHAR ENTERTAINMENT TAX (AMENDMENT) SECOND ORDINANCE, 1985

BIHAR ORDINANCE. NO. 18 OF 1985

(Text omitted as this Ordinance, replaces Ordinance No. 9 of 1985 and 16 of 1984, printed at p. 18, of Part VII, 1985)—*Editor]*

Published in *the Bihar Gazette* (*Extra,)*, dated May 18, 1985.

THE BIHAR STATE UNIVERSITY (AMENDMENT) SECOND ORDINANCE, 1985.

BIHAR ORDINANCE NO. 14 OF 1985

An Ordinance to amend the Bihar State University Act, 1976.

Preamble.—Whereas, the Legislature of the State of Bihar is not in sesssion ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar State University Act, 1976 (Bihar Act XXIII of 1976) in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleesed to promulgate he following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Bihar State University (Amendment) Second Ordinance, 1985**.

(2) It shall come into force at once.

2. *Amendment of section 2 of Bihar Act XXIII of 1976.*—For clause (a, e) to section 2 of Bihar State University Act, 1976 (Bihar Act 23 of 1976) (hereinafter referred to as the said Act), the following shall be substituted :—

"(a,e) 'The Bihar State University (Constituent Colleges) Service Commission' means the Bihar State University (Constituent Colleges) Service Commission to be constituted by the State Government for making recommendations for appointments etc. of teachers and officers of Universities and Constituent Colleges."

3. *Amendment of section 26 of the Bihar Act XXIII of 1976.*—For clause (i) and proviso to sub-section (5) of section 26 of the Act, the following shall be substituted namely :—

(i) The appointment of Dean of Factually shall be made by the Vice-Chancellor from amongst the University Professor and the principals of the rank of University Professors for two years by rotation in the concerned factulty in the manner prescribed in the statutes :

Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor in rotation for a term of two years from amongst the Heads of Department and the Principals of the rank of Readers in the manner prescribed the statutes :

Provided further that where there is no University Department in the Factulty, the Vice-Chancellor shall appoint a Principal of a College lower than the rank of a University Professor to be the Dean of Factulty by rotation for a term of two years in the manner prescribed in the statutes

4. *Amendment of section 35 of the Bihar Act XXIII of 1976.*—For sub-clause (i) of clause (b) of sub-section (1) of section 35 the following sub-clause shall be substituted :—

"(i) After the commencement of this Act no teaching or non-teaching post involving financial liabilities shall be created without the prior approval of the State Government."

5. *Substitution of a new section for section 57 of Bihar Act XXIII of 1976* -For section 57 of the said Act, the following section shall be substituted :—

"57. *Appointment of teachers and officers.*—(I) Subject to the provisions of this Act and the statutes, the Bihar State University (Constituent Colleges) Service Commission shall, as far as may be, perform, in respect of appointment to the posts of teachers and Officers (other than Vice-Chancellor, Pro-Chancellor and the Dean of Faculty) of the University the same functions as are assigned to the State Public Service Commission in respect of the State Services under Article 320 of Constitution of India.

(2) The Bihar State University (Constituent Colleges) Service Commission shall, on the basis of an interview held for appointment of teachers and officers of different categories in all Universities and Constituent Colleges, prepare a penal. This penal will be prepared for the teachers subject wise and teacher and officers of different Universities and Colleges shall be appointed on the basis of the said panel.

(3) In making recommendation for appointment to every post of teacher and officer, the Bihar State University (Constituent Colleges) Service Commission shall fulfil the conditions contained in section 58 of the Act.

(4) The appointment of teachers of affiliated colleges shall be made on the recommendation of the Bihar College Service Commission."

6. *Substitution of clause (c) of sub-section (2) of section 57-A of Bihar*

by the Collector to perform the functions and exercise the powers of the Collector under this Order ;

(d) "consumer" means a person or an institution requiring cement for own use on the construction of a residential or non-residential building or in other types of works involving use of cement ;

(c) "dealer" means a person who is engaged in any business or undertaking involving sale, or purchase for sale, or storage for sale, of cement, either on his own behalf or on behalf of any other person, but does not include a bulk distributor or a producer ;

(f) "form" means a form appended to this Order ;

(g) "Government" means the Government of the State of West Bengal :

(h) "levy cement" shall have the meaning assigned to it in sub-clause (d) of clause 2 of the Cement Control Order, 1967, referred to in clause (a) ;

(i) "licensee" means a person holding a valid licence granted under this Order ;

(j) "licensing authority" means the Director of Consumer Goods in the Department of Food and Supplies of the Government and includes such other officer of Government as may be authorised by him in writing, with the prior approval of Government, to perform all or any of the functions of the licensing authority ;

(k) "non-levy cement" shall have the same meaning assined to it in sub-clause (e) of clause 2 of the Cement Control Order, 1967, referred to in clause (a) ;

(l) "permit issuing authority" means the Director of Consumer Goods in the Department of Food and Supplies of the Government or any officer authorised by him in writing in this behalf and includes a Subdivisional Controller of Food and Supplies under the said Department having jurisdiction ;

(m) "place of business" means the place where the books of account of business of a licensee are kept and orders and offers involving purchase or sale of cement are received by him ;

(n) "producer" shall have the meaning assigned to it in the Cement Control Order, 1967, referred to in clause (a) ;

(o) "special category consumer" means any Department of Government, or any Corporation or undertaking owned or controlled by Government, or any local body, or a unit in the small scale industries sector requiring cement for construction of factory buildings, or any person or party who requires cement for such specially oriented schemes as may be specified by Government from time to time.

3. *Licesing of dealers.*—No person shall carry on business in cement as a dealer except under and in accordance with the terms and conditions of a licence granted under this Order.

4. *Application for and grant of licence.*—(1) An application for a licence under paragraph 3 shall be made to the licensing authority in Form A, and the licensing authority may on due consideration of the provisions of paragraph 6 issue a licence in Form B on payment of a fee of Rs. 200 (Rupees two hundred) in non-judicial stamp.

(2) Every licence shall specify the licensee's place of business and the area within which, and the premises or places within the said area at which,

he shall carry on business and store cement :

Provided that separate licence shall be obtained for each separate place of business.

(3) No licensee shall carry on his business in cement except within the area, or store cement except at the premises or places, specified in the licence.

(4) Every licence granted under this Order shall be valid up to the 31st March, next following the date of its issue and may, at the discretion of the licensing authority, be renewed for a period not exceeding three years at a time on an application made in this behalf to such authority before the expiry of the period of validity of the licence and on payment of a fee at the rate of Rs. 200 (Rupees two hundred) per year in non-judicial stamp ;

Providod that the period of validity of licence shall not be deemed to have expired if an application for its renewal made in accordance with the provisions of this sub-paragraph is pending with the licensing authority.

(5) If a licence is defaced, multilated, lost or destroyed, the licensing authority may, after making such enquiry as it deems necessary, issue a fresh licence in place thereof on payment of a fee of Rs. 250 (Rupees two hundred and fifty) in non-judicial stamp, and thereupon the licence that is defaced, multilated, lost or destroyed shall be demed to have been cancelled.

5. *Furnishing of returns.*—(1) Every licensee shall, within 24 hours of his receiving any consignment of cement, report to the licensing authority and the Subdivisional Controller in the Department of the Food and Supplies having jurisdiction the following particulars regarding such consignment :—

(i) quantity,
(ii) place from where imported,
(iii) railway station or dump or godown from where received, and
(iv) premises or places at which the cement it stored or is proposed to be stored.

(2) Every licensee shall maintain separately for each place of business a register containing correct and true accounts of purchase, sale and storage of cement at premises or places, to be written up at the end of each day. The register shall show—

(a) the opening stock of the day,
(b) the quantity received during the day,
(c) the quantity delivered or otherwise disposed of during the day,
(d) the closing stock of the day, and
(e) such other particulars as the licensing authority may, by order in writing, specify.

(3) Every licensee shall submit to the licensing authority and the Subdivisional Controller in the Department of Food and Supplies having jurisdiction a return in Form C for every month so as reach it within seven days of the close of the month.

6. *Power of licensing authority to refuse to grant or renew a licence.*—(1) The licensing authority may, after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence :

Provided that in exercising its power under this sub-paragraph the licensing authority shall have due regard to—

(a) the number of licences already issued under this Order in respect of the locality,

(b) the availability of cement in the locality,

(c) the pattern of trade and commerce in cement in the locality ,

(d) contravention, if any, of the provisions of this Order or of any other law in force for the time being relating to cement, by the applicant,

(e) the financial capacity of the applicant,

(f) exclusive possession of a godown for storing cement which admits of easy identification,

(g) the location and suitability of the premises or places in which the godown is situate, and

(h) other relevant matters.

(2) The licensing authority may, either on the basis of any representation in writing of a licensee, or on its own motion, after making such enquiry as it considers necessary, amend or vary the terms and conditions of a licence.

7. *Power of licensing authority to suspend or cancel a licence.*—(1) No licensee shall contravence any of the conditions of his licence and any contravention thereof shall be a contravention of this Order.

(2) If a licensee or any person acting on his behalf contravenes any of the provisions of this Order, or if the licensee contravenes any other law in force for the time being relating to cement, then, notwithstanding anything contained in paragraph 4, and without prejudice to any other action that may be lawfully taken against him, the licensing authority may, by order, suspend the licence, and after giving the licensee an opportunity of stating his case in writing, cancel the licence.

(3) Notwithstanding anything contained in sub-paragraph (2), where a licensee has been convicted by a court of law in respect of a contravention of any law relating to cement, the licensing authority may, forthwith or as soon as possible thereafter, by order , cancel his licence :

Provided that where such conviction is set aside on appeal or revision the licensing authority may re-issue the licence to him, on an application being made to it.

(4) On cancellation or suspension of a licence under sub-paragraph (2) or sub-paragraph (3) or on licence ceasing to be valid, the licensee shall surrender the same to the licensing authority forthwith and shall dispose of the stock of cement available with him on such date not later than a fortnight from the date of surrender of the licence as may be fixed, and in accordance with such directions as may be issued by the licensing authority.

8. *Appeal.*—(1) Any person aggrieved by an order passed by the licensing authority under paragraph 6 or paragraph 7 may, within 30 days of the receipt by him of such order, prefer an appeal to the Secretary to the Government in the Department of Food and Supplies.

(2) On receipt of an appeal under sub-paragraph (1), the Secretary shall after giving the appellant a reasonable opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) The Secretary before whom an appeal is pending may direct that the order of the licensing authority appealed against shall not take effect pending the disposal of the appeal.

9. *Power of entry, enquiry, search and seizure.*—(1) The licensing authority or any officer authorised by the licensing authority or any officer in the Department of Food and Supplies of the Government not below the rank of a Sub-Inspector or any police officer not below the rank of an Assistant Sub-Inspector may, with a view to securing compliance with the provisions of this Order,—

(a) inspect or cause to be inspected any book or document or accounts as well as any stock of cement belonging to or under the control of any person,

(b) require any person to give any information in his possession with respect to any business or undertaking for purchase, sale or storage of cement,

(c) stop and search forthwith, with such aid or assistance as may be necessary, any person or vehicle or vessel used or suspected of being used for delivery of cement from a godown or from premises or places where, he has reason to believe, cement is stored,

(d) enter and search, with such aid or assistance as may be necessary, any such godown or premises or places, and

(e) seize and remove, with such aid or assistance as may be necessary the entire quantity or any stock of cement along with the packages, coverings or receptacles in which such stock is found and the vehicles, vessels or any other conveyances used in carrying such stock, if he has reason to suspect that any provisions of this Order has been, is being, or is about to be, contravened in respect of such stock or any part thereof or in respect of any other stock of cement which, immediately before the contravention, was scored or possessed along with such stock, and thereafter, take or authorise the taking of all measures necessary for securing the production of the stock of cement, packages, coverings, receptacles, vehicles, vessels or other conveyances so seized before the Collector of the district or the Presidency-town under the provisions of sections 6A to 6D of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production :

Provided that in exercising the powers under this sub-paragraph, due regards shall be paid to the social and religious customs of the inmates or occupants of the premises or places.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, so far as may be, apply to searches and seizures under this paragraph.

10. *Written authority for storage.*—No person other than a bulk distributor, a dealer or a consumer shall have in its possession or under his control any quantity of cement except under and in accordance with a written authority granted under this Order by the licensing authority or the Sub-divisional Controller in the Department of Food and Supplies having jurisdiction.

(2) An application for grant of a written authority shall be made to the authority mentioned in sub-paragraph (1) in Form D and the said authority, on being satisfied thet applicant is a *bona-fide* storing agent of a bulk distributor or a consumer including a special category consumer, may grant a written authority in Form E to the applicant for storing cement.

(3) No person in whose favour such written authority is granted shall contravene any of the conditions subject to which it is issued and contravention of any such condition shall be deemed to be contravention of this Order.

(4) The provisions of paragraphs 6, 7 and 9 of this Order shall apply mutatis mutandis to such persons as have obtained a written authority mentioned in the preceding sub-paragraph.

11. *Allocation of levy cement.*—(1) With a view to maintaining supplies of levy cement to special category consumers and also to ensuring equitable distribution thereof at fair and reasonable prices to consumers of limited means requiring cement for constructing dwelling house or for repairing old buildings, the Director of Consumer Goods shall, on receiving intimation of allocation of levy cement by the Central Government, specify, with the prior approval of Government, the quantity of levy cement to be offered by the bulk distributor for sale to special category consumers or to licenses for sale against permits to consumers provided however that no such offer shall be made to a licensee who has not in a representation in writing given an undertaking to the licensing authority to abide by the condition that he will deal only in levy cement for the unexpired period for which his licence remains valid, or does not voluntarily give such an undertaking at the time of grant or renewal of his licence.

(2) An undertaking given in accordance with the provisions of sub-paragraph (1) shall be deemed to be a condition of the licence and the terms and conditions of the licence shall be deemed to have been varied in accordance with the provisions of sub-paragraph (2) of paragraph 6 upon such an undertaking being given, and any violation of the undertaking shall be deemed to be a violation of this Order.

12. *Persons eligible to apply for allotement of levy cement.*—The following categories of persons shall ordinarily be eligible to apply for authorisation or permit for issue of levy cement :

(a) a special category consumer ;

(b) such class or classes of consumers requiring cement for construction of dwelling house or repair to a dwelling house as may be specified by Government from time to time, having regard to the needs of the poorer sections of consumers, and availability of levy cement.

13. *Regulation of business in levy cement.*—(1) No licensee shall sell or otherwise dispose of any part of his stock of levy cement except on the basis of permits to be issued by the permit issuing authority or authorisation by officer mentioned in sub-paragraph (3) :

Provided that if any stock of cement remains undisposed of within 90 days of receipt the licensee shall forthwith bring the matter to the notice of the licensing authority who shall make all arrangements for disposal of the stock against permits within 15 days of receipt of communication from the licensee.

(2) An application for permit for issue of levy cement shall be made in Form F to the permit issuing authority who may after making such enquiry as it deems necessary issue permit in Form G either on a bulk distributor or on a licensee.

(3) A special category consumer shall obtain his requirement of

cement only from a bulk distributor and against authorisation of the Director of Consumer Goods in the Department of Food and Supplies or any officer to be nominated in this regard by Government.

(4) A consumer holding a valid permit shall obtain his requirement of cement only from a bulk distributor if the quantity of cement from which the permit is issued is 10 metric tonnes or above.

(5) No consumer who has obtained supply of levy cement shall use it except for the purpose for which such permit is granted.

(6) The licensees shall subject to such directions as may be issued by Government.

14. *Power to exempt in special cases.*—If the Government having regard to the condition prevailing in any area considers it necessary or expendient, so to do in the public interest, it may, by notification in the Official Gazette, exempt for such period and subject to such conditions as it may think fit to impose any class or classes of persons in that area from the operation of all or any of the provision of this Order.

15. *Order not to apply to certain cases.*—This Order shall not apply to—

(a) a department of the Central Government or any Central Government undertaking including the State Trading Corporation :

(b) any department of Government or any State Government undertaking in West Bengal :

Provided that a State Government undertaking in so far as it may act as a bulk distributor be subject to the provisions relating to bulk distributor under this order.

16. *Review and revision by Government.*—The Government may, of its own motion call for and examine the records of any order passed under the provision of this Order by any authority subordinate to Government and may give such direction with reference thereto as it may deem fit :

Provided that no direction to the disadvantage of any party shall be given under this pargraph, unless the party has been accorded an opportunity of making any representation which it may wish to make against such direction.

17. *Repeal and saving.*—The West Bengal Cement (Licensing and Control) Order, 1979 issued under order No. 2562-FS, dated the 31st March 1979, of the Food and Supplies Department and published in Part I of the "Calcutta Gazette', Extraordinary', of the 31st March 1979, as subsequently amended, is hereby repealed :

Provided that such repeal shall not affect—

(a) the previous operation of the said Order or anything done or suffered to be done thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order except that the stock of cement with the licensees as on the date of this Order shall be available for disposal only against permit and in accordance with such direction as may issued by Government,

(c) any penalty, forfeiture or punishment incurred in respect of any offence against the said Order, or

(d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and/ all licenses issued under the said Order, shall, subject to the provision of paragraphs 10 and 11, remain valid for the unexpired term of the licence or up to the 30th June 1982, whichever is later.

FORM A

[See paragraph 4(1)]

FORM OF APPLICATION FOR LICENCE UNDER THE WEST BENGAL LICENSING OF DEALERS OF CEMENT AND DISTRIBUTION OF LEVY CEMENT ORDER, 1982.

I hereby apply for licence under the West Bengal Licensing of Dealers of Cement and Distribution of Levy Cement Order, 1982, and furnish the following particulars in connection therewith :—

1. Applicant's name ....
2. Applicant's father's name (in case of an individual) ....
3. Applicant's profession ....
4. Applicant's residence/address ....
5. Situation of applicant's business premises (i. e. place of business) with particulars as to village, police-station and district ....
6. Location of godown(s) in exclusive possession of the applicant, if any. ....
7. Area of business for which licence is wanted. ....
8. How long the applicant has been purchasing, selling or supplying cement. ....
9. Particulars of current municipal trade licence, if business is carried on within the jurisdiction of a municipal area. ....

[I declare that the following quantities of cement are in my possession this day and are held at the following places... ....

I have not previously applied for such licence/I applied for such licence on...................... ....and/was not granted a licence was geanted licence No.................on ....by ....

I declare that I am the Proprieter/Manager/Partner/Director/Secretary/ Lessee of the firm or organisation on behalf of which this application is made.

Date.................. ....

Signature of left thumb impression of the applicant.

FORM B

[See paragraph (4)]

LICENCE UNDER THE WEST BENGAL LICENSING OF DEALERS OF CEMENT AND DISTRIBUTION OF LEVY CEMENT ORDER, 1982

(omitted)

FORM C

[See paragraph 5(3)]

RETURN OF STOCK. RECEIPTS AND SALES/SUPPLIES, ETC. OF CEMENT FOR THE MONTH OF 19 UNDER PARAGRAPH 5(3) OF THE WEST BENGAL LICENSING OF DEALERS OE CEMENT AND DISTRIBUTION OF LEVY CEMENT ORDER, 1982

(omitted)

FORM D

[See paragraph 10(2)

FORM OF APPLICATION FOR WRITTEN AUTHORITY UNDER THE WEST BENGAL LICENSING OF CEMENT AND DISTRIBUTION OF LEVY CEMENT ORDER 1982.

I hereby apply for a Written Authority under the West Bengal Licensing of Dealers of Cement and Distribution of Levy Cement Order 1982, to store cement as an agent and furnish the following particulars in connection therewith :—

1. Applicant's name ....
2. Applicant's father's name..
   (in case of an individual)
3. Applicant's profession ....
4. Applicant's residence/address ....
5. Situation of applicant's business..
   premises (i. e. place of business)
   with particulars as to village, ...
   police-station and district.
6. Location of godown(s) in exclusive ....
   possession of the applibants,
   if any.
7. Consumer on whose behalf the ....
   applicant proposes to store
   cement.
8. Capacity of the godown (s)..
9. Particulars of current municipal
   trade license, if business is
   carried on within the jurisdiction
   of municipality.

[I declare that the following quantities of cement are in possession and are stored this day and are held in the following godowns———]

I have not previously applied for such Written Authority/I applied for such Written Authority...........................and/was not granted Written Authority/was granted Written Authority/vide————,

I declare that I am the Proprietor/Manager/Partner/Director/Secretary Lessee of the firm or Organisation on behif of which this application is made.

I enclose a true copy of the agreement in terms of which I am storing/propose to store cement on behalf of—————.

....

Signature or Left Thumb
impresion of the applicant.

Date ....

FORM E

[*See* paragraph 10 (2)]

WRITTEN AUTHORITY FOR STORAGE OF CEMENT UNDER THE WEST BENGAL LICENSING OF DEALERS OF CEMENT AND DISRIBUTION OF LEVY CEMENT ORDER, 1982.

(omitted)

FORM F

[*See* saragraph 13(2)

APALICATION FOR SUPPLY/ALLOTMENT OF LEAVY CEMENT

1. Name of the applicant
2. (a) Father's/Husband's name (in the case of an individual)
   (b) Applicant's status (in the cas'e of a firm)
3. Address with police-station
4. Purpose (construction/repair and details thereof including the total plinth area of the proposed construction and the area of land and total value of the work to be done).
5. Total quantity required with a break-up of monthly requirement (in Metric Tonnes)
6. Adress of the site with police-station where cement will be used.
7. Whether any permit/authorisation letter was received before ; if so, details thereof..
8. Whether any application for cement was submitted to the licensing authority prior to this application ; if so, details thereof.
9. Documents enclosed : (1) Certified copies of :
   (i). sanctioned plan/estimate in case of new construction in municipal or notified areas.
   (ii) Plan/estimate in case of new construction in rural areas.
   (iii) up to date municipal tax/rent receipts in case of repair.
   (2) Any other document :

I solemnly affirm that the particulars given above are true.

....

Signature

RECEIPT FORM
FORM G

[See paragraph 13(2)]

District/Subdivision.......................

Permit for Levy cement

(omitted)

Published in the *Calcutta Gazette, Extraordinary,* Part I, No. 478, dated July 30, 1984.

HOUSING DEPARTMENT

No. 1717H2,—*(30th July, 1984).*—In exercise of the power conferred by sub-section (3) of section 1 of the **West Bengal Government Premises (Regulation of Occupancy) Act, 1984** (West Bengal Act XXI of 1984), the Governor is pleased to appoint the 31st day of July, 1984 as the date on which the said Act shall come into force.

Published in the *Calcutta Gazett, (Extraordinary),* Part I, No. 706, dated November 1, 1983.

DEPARTMENT OF FOOD AND SUPPLIES

No. **8060/F.** S./FS/4D-26/77.—*(1st November, 1983).*—Whereas the Governor is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices of pulses, edible oilseeds and edible oils in West Bengal.

Now, therefore, in exercise of the powers conferred by section 3 of Essential Commodities Act, 1955 (10 of 1955) read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) order No. G.S.R. 800, dated the 9th June, 1978, the Governor is pleased to make the following **amendments in the West Bengal Pulses. Edible Oilseeds, and Edible Oils (Dealers Licensing) Order, 1978,** published with this department order No. 3029-F.S., dated the 9th June, 1978, in Part I of the "*Calcutta Gazette, Extraodinary*", dated the 9th June, 1978, as subsequently amended (hereinafter referred to as the said order), namely :—

Amendments

In the said order, for sub-paragraphs (1) and (2) of paragraph 7, substitute the following sub-paragraphs :—

"7. *Licence fees.*—(1) The following fees shall be charged in respect of each licence, namely :—

		Rs.
For grant or re-issue of a licence to a wholesaler	...	50-00
For renewal thereof	...	50-00
For grant or re-issue of a licence to a retailer	...	25-00
For renewal thereof	...	25-00

(2) If a licence is defaced, damaged, destroyed or lost, the licensee shall forthwith inform the licensing authority and the licensing authority may, on application made to him and on payment of a fee of Rs. 50-00 in case of a whole saler and Rs. 25-00 in case of a retailer and after making such enquiry as it may deem necessary, re-issue a licence and thereupon the licence so defaced, damaged, destroyed or lost shall cease to have any validity.".

ORDER

No. 8962 F. S./FS/CG/14R-1/80.—(*1st November, 1983*).—Whereas the Governor is of opinion that it is necessary and expedient so to do for the maintenance of supplies and for securing equitable distribution and availability at fair prices of motor spirit and high speed diesel oil in West Bengal ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with clauses (d), (e), (h) and (j) of sub-section (2) of that section and sub-section (1) of section 7 of the said Act and order No. S.O, 681 (E), dated the 30th November, 1974, of the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation), the Governor is pleased hereby to make the following **amendment in the West Bengal Motor Spirit and High Speed Diesel Oil (Licensing, Control and Maintenance of Supplies) Order, 1980**, published with this department order No. 922-F.S./FS/OG/14R 1/80, dated the 29th February, 1980, in Part I of the "Calcutta Gazette, Extraordinary" dated the 29th February, 1980, as subsequently amended (hereinafter referred to as the said order) :—

Amendment

In the said order, for sub-paragraphs (1), (3), and (4) of pargraph 4, substitute the following sub-paragraphs :—

"(1) An application for a licence under sub-paragraph (7) of paragraph 3 for high speed diesel oil shall be made to the licensing authority in Form A and the licensing authority shall grant the licence in Form B on payment of a fee of rupees one hundred only in non-judicial stamp.

(3) Every licence granted under this order shall be valid up to the 31st December next following the date of its issue and may, at the discretion of this licensing authority, be renewed for a period not exceeding three years at a time on an application made in this behalf to such authority before the expiry of the period of validity of the licence and on payment of a fee, in non-judicial stamp, at the rate of rupees one hundred only per year, provided that the period of validity of a licence shall not be deemed to have expired, if an application for its renewal made in accordance with the provisions of this sub-paragraph is pending with the licensing authority.

(4) If a licence is defaced, mutilated, lost or destroyed the licensing authority may, after making such enquiry as he deems necessary, issue a fresh licence in place thereof on payment of a fee of rupees one hundred only in non-judicial stamp and thereupon the licence so defaced, mutilated, lost or destroyed shall be deemed to have been cancelled.".

Published in the *Calcutta Gazette*, (*Extraordinary*), Part I, No. 3070, dated May 4, 1984.

HOUSING DEPARTMENT

No. 1289-HIV/2R-2/84.—(*4th May, 1984*).—Whereas the Governor, in exercise of the power conferred by section 15 of the West Bengal Government Premises (Tenancy Regulation) Ordinance, 1976 (West Bengal Ordinance 1 of 1976), made rules, namely, the West Bengal Government Premises (Tenancy Regulation) Rules, 1976, published at pages 693-695 of the "*Calcutta Gazette, Extraordinary*", Part I, dated the 13th February, 1976, under this department notification No. 490-H2/1A-3/75, dated the 4th February, 1976.

And whereas the West Bengal Government Premises (Tenancy Regulation) Ordinance, 1976, was subsequently repealed by the West Bengal Government Premises (Tenancy Regulation) Act, 1976 (West Bengal Act XIX of 1976);

And whereas under sub-section (2) of section 16 of the West Bengal Government Premises (Tenancy Regulation) Act, 1976, anything done or action taken under the West Bengal Government Premises (Tenancy Regulation) Act, 1976, as if the said Act had commenced on the 7th day of January, 1976 ;

And whereas in view of the provisions of clause (b) of section 31, read with section 25 and section 22, of the Bengal General Classes Act, 1899 (Bengal Act I of 1899) and for the removal of doubt it is necessary to amend the West Bengal Government Premises (Tenancy Regulation) Rules, 1976 ;

Now, therefore, in excercise of the power conferred by section 15 of the West Bengal Government Premises (Tenancy Regulation) Act, 1976, the Governor is pleased hereby to make the following **amendments in the West Bengal Government Premises (Tenancy Regulation) Rules, 1976** (hereinafter referred to as the said rules) :—

Amendments

In the said rules,—

(1) in rule 2,—

(a) in sub-rule (1), for the word "Ordinance", wherever it occurs, substitute the word "Act" ;

(b) in sub-rule (2), for the word "Ordinance", substitute the word "Act" ;

(2) in rule 3,—

(a) in sub-rule (1), for the words "the notice", substitute the figures words and brackets "30 days' notice (which shall take effect from the date of service thereof)";

(b) to sub-rule (2), add the following proviso :—

"Provided that where no application in Form ·B, has been received by the prescribed authority, the prescribed authority may on his own take necessary step for restoration of possession of any premises as aforesaid to the owner.";

(c) in sub-rule (3), *omit* the words and letters "after giving one month's notice in Form 'C' to the tenant concerned and";

(3) in rule 4, for the word "Ordinance", *Substitute* the word "Act";

(4) in rule 6,—

(a) in sub-rule (1), for the word "Ordinance", *Substitute* the word "Act";

(b) in sub-rule (3), for the word "Ordinance", *Substitute* the word "Act";

(5) in Form 'A',—

(a) for the word "Ordinance", whenever it occurs, substitute the word ',Act", and

Published in the *Orissa Gazette* (*Ext.*), No. 344, dated February 25. 1985

FOOD & CIVIL SUPPLIES DEPARTMENT

S. R. O. No. 124/84.—(*the 14th February, 1985*)—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the notifications of the Government of India in the Ministry of Agriculture and Irrigations (Department of Food) G.S.R. 800, dated the 9th June 1978 and in the Ministry of Agriculture (Department of Food) G. S. R. 452 (E), dated the 25th October 1972, published in the *Gazette of India* Extraordinary, Part II, Section 3, Sub-section (i) dated the 9th June 1978 and the 25th October, 1972, respectively and with the prior concurrence of the Government of India, the State Government do hereby makes the following order further to amend the Orissa Sugar Dealers Licensing Order, 1963, namely :—

1 (i) This Order may be called **the Orissa Sugar Dealers Licensing (Amendment) Order, 1985.**

(ii) It shall come into force on the date of its publication in the Official Gazette,

2. In the Orissa Sugars Dealers' Licensing Order, 1963 (hereinafter referred to as the said order) in clause 2,

for the existing sub-clause (f), the following clause shall be substituted, namely :—"(f) "wholesaler" means a dealer who purchases suger directly from sugar mills or from another wholesaler for selling stocks either to retailers or to consumers including bulk consumers or to both".

3. In the said order, in Form B, for the existing paragraphs 6-A and 6-B, the following paragraphs shall be substituted, namely :—

"6A. The licensee who is a wholesaler shall not sell sugar to another wholesaler without physical delivery of stock by him to that other wholesaler.

6B. The licensee who is a retailer shall not sell sugar to any dealer, whether a wholesaler or a retailer "

Published in *the Orissa Gazette* (*Ext.*), No. 1983, dated November 22, 1984.

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S. R. O. No 1348/84—(*the 13th/14th November, 1984*).—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940, was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) in the extraordinary issue of the *Orissa Gazette* No. 2424, dated the 8th August 1984 in the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 13161-T., dated the 31st July/1st August 1984 bearing S. R. O. No. 1047/84, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification ;

And whereas, no objections or suggestions has been received by the Government in the Commerce and Transport (Transport) Department in respect of the said draft ;

Now, therefore, in exercise of the powers conferred by section 41 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1. (1) These rules may be called **the Orissa Motor Vehicles (Sixth Amendment) Rules, 1984.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. (1) In rule 35 of the Orissa Motor Vehicles Rules, 1940, to sub-rule (f) the following shall be added at the end, namely :—

(2) "In addition, a fee of rupees twenty shall be charged for every inspection of Motor Vehicles other than Transport Vehicles for the purpose of grant or renewal of the certificate of registration."

Published in *the Orissa Gazette (Ext.)*, No. 64 dated January 16, 1985.

COMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S. R. O. No. 22/85—*(27th January, 1985)*—In exercise of the powers conferred by **section 110 of the Motor Vehicles Act, 1939** (4 of 1939) and in partial modification of the notification of the Government of Orissa in the defunct Transport Department No. 3411—TAR-4/58, dated the 4th June, 1958 and in supersession of the Commerce and Transport (Transport) Department notifications No. 10304-T., dated the 9th July, 1981 and No. 9821-T., dated the 8th June 1982, the State Government do hereby constitute **the Second Motor Accident Claims Tribunal, Sambalpur** for the areas comprised within the districts of Sambalpur, Balangir, Keonjhar, Dhenkanal and Sundargarh for the purpose of adjudicating upon claims for compensation in respect of accidents involving the death of, or bodily injury to persons arising out of the use of Motor Vehicles, or damages to any property of a third party so arising, or both.

The respective functions of the existing Tribunals and the Second Tribunal shall be that the claims cases shall be filed and made ready in the Courts of the respective Tribunals for the districts of Sambalpur, Balangir, Keonjhar, Dhenkanal and Sundargarh and the Second Motor Accident Claims Tribunal, Sambalpur shall hear and dispose of these case.

Published in *the Orissa Gazette (Ext.)*, No. 1983, dated, November 22, 1984.

CCOMMERCE AND TRANSPORT (TRANSPORT) DEPARTMENT

S. R. O. No. **1345/84**—*(the 13th/14th November, 1984)*.—Whereas the draft of certain rules further to amend the Orissa Motor Vehicles Rules, 1940 was published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939) in the extraordinary issue No. 1337 of the *Orissa Gazette*, dated the 26th July 1984 under the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 12368-T., dated the 19th July 1984 bearing S. R. O. No. 983/84, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a thirty days from the date of publication of the said notification ;

And whereas no objections or suggestions have been received by the

Secretary to Government in the Commerce and Transport (Transport) Department in respect of the said draft ;

Now, therefore, in exercise of the powers conferred by section 68 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles Rules, 1940, namely :—

1. (1) These rules may be called the **Orissa Motor Vehicles (Third Amendment) Rules, 1984.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Motor Vehicles Rules, 1940, in rules 59-B and 59-C for the words and comma "sixteen, twenty four, the words and comma "fifteen, twenty-three" shall be substituted.

Published in the *Orissa Gazette* (*Extr.*) dated April 20, 1985

COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

S. R, O. No. 189/85—(*the 10th April 1985*)—Whereas, a draft of certain rules further to amend the Orissa Motor Vehicle (Accidents Claims Tribunals) Rules, 1960 was pubished as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), in an extraordinary issue of the *Orissa Gazette* No. 1777, dated the 11th October 1984 in the notification of the Government of Orissa in the Commerce and Transport (Transport) Department No. 16109-T., dated the 25th September 1984, bearing S. R. O. No. 1245/84, inviting objections end suggestions from all persons likely to be affected thereby till the expiry of a period of thirty days from the date of publication of the said notification;

And whereas, objections and suggestions received in respect of the said draft have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 111-A read with the provisions contained in Chapter VII-A of the said Act, the State Government do hereby make the following rules further to amend the Orissa Motor Vehicles (Accidents Claims Tribunals) Rules, 1960, namely :—

1. (1) These rules may be called **the Orissa Motor Vehicles (Accidents Claims Tribunals) (Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Orissa Motor Vehicles (Accidents Claims Tribunals) Rules, 1960 (hereinafter referred to as the said rules), before the existing rule 1, the following heading shall be inserted, namely :—

"CHAPTER I

Preliminary"

3. In the said rules,—

(i) in rule 2, after clause (b), the following new clause shall be inserted, namely :—

"(b-1) 'Form' means a form appended to these rules" ;

(ii) after rule 2, the following heading shall be inserted namely :—

"CHAPTER II

Claims under section 110-A of the Act

(Claims based on fault)"

4. In the rules, in rule 3, for the words "in the Form appended to these rules" the words and letters "in Form COF" shall be substituted.

5. In the said rules, after rule 23, the following new chapter shall be inserted, namely :—

"CHAPTER III

Claims under Chapter VII-A of the Act

(Claims withoul fault in certain cases)

24. *Application for claim*—Every application in the case of a claim without fault under Chapter VII-A of the Act shall be made in Form CWF.

25. *Fees.*—Every application for a claim under Chapter VII-A shall be accompanied by a fee of ten rupees in the form of court-fee stamp.

26. *Application not to be rejected on technical flaw*—The Claims Tribunal shall not reject any application made as per the provisions of Chapter VII-A of the Act on the ground of any technical flaws, but shall give notice to the applicant and get the defect rectified.

27. *Notice to owner and insurer*—

(1) The Claims Tribunal shall give notice to the owner and the insurer, if any of the motor vehicle involved in the accident, directing them to appear on a date not later than ten days from the date of issue of notice. The date fixed for such appearance shall also be not later than fifteen days from the receipt of the claim application.

(2) The notice under sub-rule (1) shall state that in case the owner or the insurer, if any, fails to appear on the date appointed, the Tribunal will proceed *ex parte* on the presumption that they have no contention to make against the award of compensation.

28. *Manner of adjudication claims*—The Claims Tribunal shall, for the purpose of adjudicating and awarding a claim under Chapter VII-A of the Act, follow the procedure of summary trial contained in the Code of Criminal Procedure, 1973.

29. *Award of claim*—The Claims Tribunal shall obtain whatever information is necessary from the Police, Medical and other authorities and proceed to award the claim whether the parties who were given notice, appear or not, on the appointed date.

30. *Basis to award the claim*—The Claims Tribunal shall proceed to award the claim on the basis of—

(i) oral evidence

(ii) certified copy of the Register of Motor Vehicle registered in the district and/or registration certificates of the Motor Vehicles involved in the accident.

(iii) insurance certificate or policy relating to the insurance of the Motor Vehicle against the Third Party risk;

(iv) copy of First Information Report;

(v) post-mortem certificate or certificate of injury from the Medical Officer;

(vi) the nature of the treatment given by the Medical Officer who has examined the victim; and

(vii) bed Head Ticked and/or discharge certificate of the hospital or dispensary where the injured/the deceased received treatment.

31. *Limitatian for disposal of application*—The Claims Tribunal, before whom an application for compensation under Chapter VII-A of the Act has been made shall dispose of such application within forty-five days from the date of receipt of such application.

52. *Payment of compensation by Claims Tribunal*—(1) The procedure of adjudicating the liability and award of compensation may be set apart from the procedure of disbursement of compensation to the legal heirs in case of death.

(2) Where the Claims Tribunal feels that the actual payment to the claimant is likely to take some time because of the identification and determination of legal heirs of the deceased, the Claims Tribunal may call for the amount of compensation awarded to be deposited with the Tribunal and then proceed with the identification of the legal heirs for deciding the payment of compensation to each of the legal heirs."

6. In the said rules, in the form prescribed under rule 3—

(i) for the existing headline the following headlines shall be substituted, namely :—

"FORM COF

Form of Application for Compensation on Fault

[See rule 3)";

(ii) in the said form after serial 29 the following serial including the entry shall be inserted, namely :—

"30. Whether any claims under section 92-A of the Motor Vehicle Act, 1939 has been made and if so, its present position."

7. In the said rules, after Form COF as amended by rule 6 of these rules, the following form shall be added, namely :—

"FORM CWF

Form of Application for Compensation Without Fault

[See rule 24]

To

The Motor Accidents Claims Tribunal,

I,——————————, son/daughter/wife widow of ——————————residing at —————————— having being injured in motor vehicle accident hereby apply for the grant of compensation for the injury sustained. Necessary particulars in respect of the injury, vehicle, etc. are given below :

I, —————————— son/daughter/wife/widow of ——————————resident at —————— hereby apply as a legal representative/agent for the grant of compensation on account of death of Shri/Kumari/Shrimati ——————, son/daghter/wife/widow of Shri/Shrimati——————who died/was injured, in a motor vehicle accident.

Necessary particulars in respect of the deceased/injured, the vehicle, etc., are given below ;

1. Name and father's name of the person injured/dead (Husband's name in the case of married woman and widow)——————
2. Full address of the person injured/dead——————
3. Age of the person injured/dead————————————
4. Occupation of the person injured/dead——————
5. Place, date and time of the accident ——————
6. Name and address of the Police-Station in whose Jurisdiction the accident took place or was registered ——————
7. Was the person in respect of whom compensotion is claimed travelling by the vehicle involved in the accident. If so, give name of place of starting of journey and destination ——————
8. Nature of injuries sustained and continuing effect, if any, of the injury ——————

9. Name and address of the Medical Officer/Practitioner, if any, who attended on the injured/dead ——————————————

10. Nature of the injury and whether it caused permanent disablement or not ——————————

11. Registration number and the type of the vehicle involved in the accident ——————————

12. Name and address of the owner of vehicle ——————————

13. Name and address of the insurer of the vehicle ——————————

14. Number and details of certificate of insurance or the Policy of Insurance ——————————

15. Has any claim been lodged with the owner/insurer and if so, with what result ——————————

16. Name and address of the applicant ——————————

17. Relationship with the deceased ——————————

18, Whether he has been paid any compensation out of the Solatium Fund ——————————

19. Any other information that may be necessary or helpful in the disposal of the claim ——————————

I,—————————— solemnly declare that the particulars given above are true and correct to the best of my knowledge.

Signature of thumb impression
of the applicant"

Published in the *Orissa Gazette* (*Ext.*), No. 138, dated January 30, 1985.

FOOD AND CIVIL SUPPLIES DEPARTMENT

S. R. O. No. 30/85—*(the 14th January 1985)*.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Order of the Government of India in the Ministry of Agriculture and Irrigation (Deptt. of Food) No. G. S. R. 800, dated the 9th June 1978, published in the *Gazette of India*, Part II, Section-3, Sub-Section (i), dated the 17th June 1978, the State Government do hereby make the following order to amend the Orissa Rice and Paddy Control Order, 1965, namely :—

1. (i) This order may be called **the Orissa Rice and Paddy Control (Amendment) Order, 1984.**

(ii) It shall come into force on the date of its publication in the official Gazette.

2. In the Orissa Rice and Paddy Control Order, 1965 (hereinafter referred to as the said Order), in clause 2—

(ii) for sub-clause (b), the following sub-clause shall be substituted, namely :—

"(b) 'Dealer' means a person engaged in the business of purchase or sale of rice or paddy or rice and paddy taken together in quantities exceeding five quintals or of storage for sale of rice or paddy or rice and paddy taken together in quantities exceeding ten quintals at any time but does not include a cultivator or land-lord in respect of rice or paddy being the produce of the land cultivated or owned by him";

(ii) for sub-clauses (h), (i) and (j) the following sub-clauses shall respectively be substituted, namely :—

"(h) 'Purchase or sale in wholesale quantity' means purchase or sale of rice or paddy or rice and paddy taken together by any person either on his own behalf or another or as a commission agent or as an arhatiya, in quantities exceeding fifty quintals in any calender day ;

(i) 'retailer' means a person engaged in the business of purchase or sale of rice or paddy or rice and paddy together exceeding five quintals but not exceding fifty quintals in any calender day or of storage for sale of rice or paddy or pice and paddy taken together at any time exceeding ten quintals but not exceeding fifty quintals ;

(j) 'Storage in wholesale quantities" means storage of rice or paddy or rice and paddy taken together in quantities exceeding fifty quintals at any time inside the State of Orissa"; and

(iii) after sub-clause (k) the following sub-clause shall be inserted, namely :—

(l) "wholesaler" means a person engaged in the business of purchase.sale or storage in wholesale quantity.".

3. In the said Order, in sub-clause (2) of clause 3, the words "excluding the border area and exceeding two quintals inside the border area" shall be deleted.

4. In the said Order for clause 5, the following clause shall be substituted, namely :—

"5. Period of Licence and fees chargeable :—

(1) Every licence granted under this order shall,unless sooner cancelled, be valid for a year or part of a year, on the 31st day of March subsequent to its issue, and may be renewed for a period of one year at a time on an application within thirty days before the date of expiry of such licence.

(2) The fees chargeable in respect of each licence shall be as specified below :—

	For wholesaler	For retailer
For issue of licence —	Rs. 150	Rs.50
For renewal of licence —	Rs. 75	Rs. 25
For issue of duplicate licence	Rs. 50	Rs. 30

(3) A separate licence shall be obtained for each place of business.

(4) Where a licence issued under this order is lost, destroyed or defaced, the licensee shall immediatly obtain a duplicate thereof from the licensing authority on payment of fees specified in sub-clause (2)".

5. In Form B of the said order—

(i) in the opening paragraph for the word "wholesale" the words and symbol "wholesale/retail" shall be substituted ;

(ii) in paragraph 8, for the words "wholesale quantity" the words and symbol "wholesale/retail quantity" shall be substituted ; and (iii) in paragraph 10 for the figure, letters and word "30th September", the figures, letters and word "31st March" shall be substituted.

6. Notwithstanding anything contained in the said order a licence granted prior to the commencement of the Orissa rice and Paddy Control (Amendment) Order 1984, which has already expired on the 1st October 1984 shall be renewable within sixty days from the date of such commencement.

THE ORISSA APARTMENT OWNERSHIP (AMENDMENT) ORDINANCE, 1984

Published in the *Orissa Gazette* (*Extr.*) dated 20th January, 1984.

ORISSA ORDINANCE NO. 2 OF 1984

An Ordinance to amend the Orissa Apartment Ownership Act, 1982

Whereas the Legislature of the State of Orissa is not in session ;

And whereas, the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Apartment Ownership Act, 1982 in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth Year of the Republic of India :—

1. *Short tiile and commencement.*—(1) The Ordinance may be called **the Orissa Apartment Ownership (Amendment) Ordinance, 1984.**

(2) It shall come into force at once.

2. *Amendment of Section 13.*—In Section 13 of the Orissa Apartment Ownership Act, 1982 (Orissa Act 1 of 1984), in Sub-section (5), for the words "in any Court of law" the words "in any Civil Court" shall be substituted.

B. N. PANDE

Dated the 19th January 1984 Governor of Orissa

THE ORISSA ENTERTAINMENTS TAX (SECOND AMENDMENT) AMENDMENT ORDINANCE, 1984

Published in the *Orissa Gazette (Extra.)*, dated January 20, 1984.

ORISSA ORDINANCE, NO. 1 OF 1984

An Ordinance to amend the Orissa Entertainments Tax (Second Amendment) Act, 1982.

Whereas the Legislature of the State of Orissa is not in session ;

And whereas the Governor of Orissa is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Orissa Entertainments Tax (Second Amendment) Act, 1982 in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Thirty-fourth year of the Republic of India :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Orissa Entertainments Tax (Second Amendment) Amendment Ordinance, Ordinance, 1984.**

(2) It shall come into force atonce.

2. *Amendment of section 2.*—For section 2 of the Orissa Entertainments Tax (Second Amendment) Act, 1982 (Orissa Act 17 of 1982), the following section shall be substituted, namely :—

"2. In section 4-A of the Orissa Entertainments Tax Act, 1946 (Orissa Act (5 of 1946), (hereinafter referred to as the principal Act), for sub-section (1) the following sub-section shall be substituted, namely :—

(1) In the case of all cinematograph exhibitions, except those exempted under section 8 from payment of tax, there shall be levied and paid to the State Government a tax in respect of every show by the proprietor of

Registered No. NW/CH-21.
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1985 **PART 9**

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Published in the *Gazette of India*, Part II, Section 3 (ii), No. 13, dated March 30, 1985.

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

S. O. 1284.—(*New Delhi, the 14th March, 1985*).—In exercise of the powers conferred by section 3 of the **Delhi Special Police Establishment Act, 1946** (25 of 1946) the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely :—

(a) Offences punishable under section 4 of the Punjab Special Power (Press) Act, 1956 (Punjab Act, 38 of 1956) and section 23 of the Indian Telegraph Act, 1885 (13 of 1885) and

(b) Attempts, abetments, and conspiracies in relation to or in connection with, one or more of the offences mentioned above and any other offence committed in the course of the same transaction arising out of the same facts.

Published in the *Gazettee of India*, Part-II, Section 3 (ii), No. 12, dated March 28, 1985.

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS.

S. O. 1198.—(*New Delhi, the 8th March, 1985*).—In exercise of the powers conferred by section 3 of the **Delhi Special Police Establishment Act, 1946** (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely :—

(a) Offence punishable under section 292 of Indian Penal Code, 1860 (45 of 1860),

(b) Attempts, abetments and conspiracies in relation to or in connection with the offence mentioned above, and any other offence committed in the course of the same transaction arising out of the same facts.

Published in the *Gazette of India* Part-II, Section 3 (ii) No. 9, Dated. 2nd March, 1985.

DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS

S. O. 845.—(*New Delhi, 18th February, 1985*)—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6, of the **Delhi Special Police Establishment Act, 1946** (25 of 1946) the Central Government, with the consent of the Government of the State of Sikkim, "hereby extends to the whole of the **State of Sikkim**" the powers and jurisdiction of the members of the Delhi Special Police Establishment for the investigation of the offences specified in the Schedule below, namely :—

THE SCHEDULE

(a) Offences punishable under rule 6 of the Passport (Entry into India) Rules, 1950 read with sub-section 3 of the section 3 of the Passport (Entry into India) Act, 1920 (34 of 1920) ;

(b) Offences punishable under sections 9 and 17 of the Central Excise and Salt Act (1 of 1944) ;

(c) Offences punishable under the Imports and Exports (Control) Act, 1947 (18 of 1947) ;

(d) Offences punishable under the Representation of People Act, 1950 (43 of 1950) and the Representation of the People Act, 1951 (43 of 1951);

(e) Offences punishable under clause (iii) of sub-section (1) of section 24 of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

(f) Offences punishable under sections 132, 133, 134, 135 and 136 of the Customs Act, 1962 (52 of 1962);

(g) Offences punishable under section 25 of the Antiquities and Art Treasures Act, 1972 (52 of 1972);

(h) Attempts, abetments and conspiracies in relation to or in connection with, any of the offences mentioned in (a) to (g) above and any other offence committed in the course of the same transaction arising out of the same facts.

Published in the *Gazette of India*, (*Ext.*), Part II, Section 3(i), No. 192, dated, the 16th April, 1985.

MINISTRY OF COMMERCE

S. O. 335 (E) No. E(C) O. 1977/AM (301)—(*New Delhi, the 16th April, 1985*)—In exercise of the powers conferred by section 3 of the Imports and Exports (Control), Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control Order, 1977, namely :—

1. This Order may be called **the Exports (Control) Sixth Amendment Order, 1985.**

2. In the Exports (Control) Order, 1977, in Schedule I :—

(i) In Para 'A' for the existing entry at serial number 5, the following shall be substituted, namely :—

"Wheat products viz. Rawa, Resultant Atta and Wheat Bran",

(ii) In Part 'B' for serial number 20 and the entry relating thereto, the following shall be substituted, namely :—

"20(i) Grains and flour other than those mentioned in Part 'A'.

(ii) Wheat.

(iii) Maida, suji and wholemeal atta, Viz..wheat flour of not less than 95% extraction.

Published in the *Gazette of India*, (*Ext.*), Part -II, Section 3(i), No. 156, dated 4th April, 1985.

MINISTRY OF FOOD AND CIVIL SUPPLIES

G. S. R. 344 (E)—(*New Delhi, the 4th April, 1985*)—In exercise of the powers conferred by sub-section (3) of Section 1 of **the Standars of Weights and Measures, Act, 1976** (60 of 1976), the Central Government hereby appoints the 4th day of April, 1985 as the day on which the following provisions of the said Act shall come into force in the **State of Sikkim**, namely :—

(i) Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 2 1, 22, 23, 24, 25, 26 & 27 :

(ii) Section 30 ;

(iii) Sections 51, 52 and 53.

Published in the *Gazette af India* (*Ext.*), Part-II, Section 3(i),
No. 163, dated April 9, 1985.

MINISTRY OF AGRICULTURAL & RURAL DEVELOPMENT

G. S. R. No. 35(E)—(*New Delhi, the 9th April, 1985*)—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Movement Control) Order, 1973, namely :—

1. (1) This order may be called **the Fertiliser (Movement Control) Amendment Order 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Fertiliser (Movement Control) Order, 1973, for clause 3, and the provisos thereto, the following Clause and the provisos shall be substituted, namely :—

"3. *Prohibition of export of fertilisers.*—No person shall export or attempt to export, or abet the export of any fertiliser from any state ; provided that nothing in this clause shall apply to the export of fertilisers under and in accordance with an atuhority issued by the Government of India in the Ministry of Agriculture and Rural Development or the Director of Agriculture of a State Government or any other Officer authorised by the State Government in this behalf :

Provided further that the export of physical and granulated mixtures of fertilisers from one State to another shall be subject to an authorisation, allowing entry of the material in the State to which it is being exported, by the Director of Agriculture or such other Officer authorised by the State Government in this behalf."

Published in the *Gazette of India*, (*Extra.*), Part II, Section 3(i),
No. 195, dated May 1, 1985.

MINISTRY OF FINANCE

G S.R. 390(E).—(*New Delhi, the 1st May, 1985*)—In exercise of the powers conferred by Section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (i) These rules may be called **the Central Excise (5th Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Excise Rules, 1944—

(a) in rule 9A for sub-rule (5), the following sub-rule shall be substituted, namely :—

"(5) in all other cases, the rate of duty and tariff valuation. If any, applicable to exciseable goods shall be the rate and valuation in force on the date on which the notice for demand of duty is issued or on the date on which duty is paid, whichever is earlier" ;

(b) in rule 56C, in sub-rule (4), for clause (c) the following clause shall be substituted, namely :—

"(c) in any other case, on the date on which the notice for demand of duty is issued or on the date on which duty is paid, whichever is earlier."

(c) in rule 196, in sub-rule (2), for clause (iv) the following clause shall be substituted, namely :—

"(iv) in all other cases, on the date on which the notice for demand for duty is issued or on the date on which duty is paid whichever is earlier,"

Published in the *Gazatte of India, Extra.*, Part II, Section 3(i), No. 199, dated May 2, 1985.

MINISTY OF HOME AFFAIRS

G.S.R. 396(E).—*(New Dalhi, the 2nd May, 1985)*—Whereas certain draft rules further to amend the Registration of Foreigners Rules, 1939, were published, as required by Section 3 of the Registration, of Foreigners Act, 1939 (16 of 1939), in the Gazette of India, Extraordinary Part II, Section 3 Sub-section (i), dated the 2nd April, 1985, under the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 340(E), dated the 2nd April, 1995 inviting objections and suggestions from all persons likely to be effected thereby, within a period of thirty days from the date of publication of that notification in the Official Gazette ;

And whereas the copies of the said Official Gazette were make available to the public on the 2nd April, 1985

And whereas objections and suggestions on the said draft received from the persons likely to be affected thereby have been considered by the Central Government ;

Now therefore, in exercise of the powers conferred by section 3 of the said Act the Central Government hereby makes the following rules further to amend the Registration of Foreigners Rules, 1939, namely :—

1. (1) These rules may be called **the Registration of Foreigners (Amendment) Rules, 1985.**

(2) They shall come into force on the 20th May, 1985.

2. *In the Registration of Foreigner Rules, 1939.*—(i) in rule 4A, clauses (a) and (b) of sub-rule (1) and sub-rule (3) of rule 16, for the word and letters "Form D or Form DB", the word and letter "Form D" shall be substituted ;

(ii) in sub-rule (2) of rule 15, for the word and letters "Form DB", the word and letter "Form D" shall be substituted ;

(iii) in sub-rule (6) of rule 16, for the word and letters "Form DA, DB", the word and letter "Form D" shall be substituted ;

(iv) for "Form DA and DB", the following Form shall be substituted, namely :—

"FORM D

No..................

EMBARKATION/DISEMBARKATION CARD

(Please fill up with ball-point pen and retain carbonised copy in good condition for use at the time of departure/re-entry)".

1. Name in full ______________________
Mr./Mrs./Miss (Surnam) (Other names)

2. Date of birth :______________________
(Day) (Month) (Year)
Place of birth______________________
(Place) (Country)

3. Nationality______________________

4. Passport Number ——————— Issued at ——————— on
(Place) (Date)
5. Visa Number ——————— Issued at ——————— on
(Place) (Date)
6. Father's/Husband's name——————————
7. Address in country of domicile——————
8. Occupation——————
9. Purpose of visit :—

Transit..............Holiday........................ Business..........
Employment.................Conference .... Study.........
Visiting Friends and relatives...................others....................

10. Intended duration of stay ——————————
11. Address of stay in India (for arriving passengers) ——————————
12. Port of embarkation and flight number or vessel's Name (for arriving passengers ——————————
13. Port of disembarkation and flight number or vessel's name (for departing passengers) ——————————
14. Last address in India (for departing passenger's ——————————

Signature

---

15. Have you been to or transited through any country in Latin America or Africa or West Indies or Papua, New Guinea during last six days Yes——————No——————
No.

FOR CUSTOM CLEARANCE

1. Name in full Mr/Mrs/Miss ——————————
(Surnam) (Other names)
2. Number of packages including hand baggage ——————————
3. Any accompanied baggage ——————————

Signature

Note :

There are two channels for customs clearance. Green Channel is for passengers not having any dutiable or unaccompanied baggage.

Red Channel is for passengers having dutiable or unaccompanied baggage.

Published in the *Gazette of India, Extraordinary* Part II, Section 3(i), No. 217, dated May 25, 1985.

MINISTRY OF FOOD AND CIVIL SUPPLIES

G. S. R. 458 (E).—(*New Delhi, 25th May, 1985*).—In exercise of the powers conferred by Section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules further to amend the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, namely :—

1. (1) These rules may be called **the Standards of Weights and Measures (Packaged Commodities) Second Amendment Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, in rule 6,—

(i) for sub-rule (2), the following shall be substituted, namely :—

"(2) Every dealer or other person who makes a retail sale of any commodity in packaged form shall, where local taxes have to be added to the price indicated on such package by the manufacturer, indicate such actual local taxes on each package either by printing or stamping or writing in ink" ;

(ii) sub-rule (3) shall be omitted.

Published in the *Gazette of India, Extraordinary* Part-II, Section 3(i), No. 223 dated May 31, 1985

MINISTRY OF LAW AND JUSTICE

G.S.R. 465 (E).—(*New Delhi, the 31st May, 1985*).—In exercise of the powers conferred by sub-section (2) of section 1 of **the Andhra Pradesh Legislative Council (Abolition) Act,** 1985 (34 of 1985), the Central Government hereby appoints the 1st day of June, 1985, as the date on which the said Act shall come into force.

Published in the *Gazette of India, Extraordinary* Part-II, Section 3(i) No. 233, dated June 1, 1985

MINISTRY OF FINANCE

G. S. R 480 (E).—(*New Delhi, the 1st June, 1985*).—In exercise of the powers conferred by section 79 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules further to amend the Transfer of Residence Rules, 1978, namely :—

1 (1) These rules may be called **the Transfer of Residence (Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Transfer of Residence Rules, 1978, in rule 4, for the words "thirty thousand rupees", the words "fifty thousand rupees" shall be substituted.

Published in the *Gazette of India* (*Extra.*), Part-II, Section 3(i), No 234, dated June 4, 1985.

MINISTRY OF LAW AND JUSTICE

G.S.R 481 (E).—(*New Delhi, the 4th June, 1985*).—The following order made by the President is published for general information "C. O. 122.

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) AMENDMENT ORDER, 1985.

In exercise of the powers conferred by clause (1) of Article 370 of the Constitution, the President, with the concurrence of the Government of the State of Jammu and Kashmir, is pleased to make the following order :—

1. (1) This order may be called the **Constitution (Application to Jammu and Kashmir) Amendment Order, 1985**.

(2) It shall come into force at once.

2. In paragraph 2 of the Constitution (Application to Jammu and Kashmir) Order, 1954.—

(1) in clause (b) of sub-paragraph (6), in article 248.—

(i) clause (a) shall be relettered as clause (aa) and in that clause as so relettered, for the words "prevention of activities", the words "prevention;of other activities" shall be substituted ;

(ii) before clause (aa) as so relettered, the following clause shall be inserted, namely .—

"(a) prevention of activities involving terrorist acts directed towards overawing the Government as by the law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;"

(iii) the following Explanation shall be inserted at the end, namely:—

Explanation.—In this article, 'terrorist act' means any act or thing by using bombs, dynamite or other explosive or firearms or other lethal weapons or poisons or noxious gases or other chemicals or any other substances (whether biological or otherwise) of a hazardous nature';

(2) in sub-paragraph (22),—

(i) in sub-clause (iv) of clause (a) relating to the Union List, for entry 97, the following entry shall be substituted, namely :—

'97. *Prevention of activities.*—(a) involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people ;

(b) directed towards disclaiming, questioning or disrupting the sovereignity and territorial integrity of India or bringing about cession of a part of the territory of India or secession of part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and this Constitution ;

taxes on foreign travel by sea of air, on in land air travel and on postal articles, including money orders, phonograms and telegrams.

Explanation.—In this entry, "terrorist act" has the same meaning as in the *Explanation* to article 248';

(ii) in clause (c) (relating to the Concurrent List), for sub-clause (ia) and (ib), the following sub-clause shall be substituted, namely :—

'(ia) for entry 2, the following entry shall be substituted, namely:—

"2. Criminal Procedure (including prevention of offences and constitution and organisation of Criminal Courts, except the Supreme Court and the High Court) in so far as it relates to.—

(i) offences against laws with respect to any matters being matters with respect to which Parliament has power to make law; and

(ii) administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country";

(ib) for entry 12, the following entry shall be substituted, namely:—

"12. *Evidence and oaths in so far as they relate to.*—(i) administration of oaths and taking of affidavits by diplomatic and consular officers in any foreign country ; and

(ii) any other matters being matters with respect to which Parliament has power to make law",.

Published in *the Gazette of India, (Ext.),* Part-II Section 3(ii),
No. .172, dated April 4, 1985.

MINISTRY OF HOME AFFAIRS

S. O. 288(E)—*(New Delhi, the 4th April, 1985)*—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946) the Central Government hereby makes the following order, namely :—

1. (1) This order may be called **the Foreigners (Production of Proof of Identity) Order, 1985**.

(2) It shall come into force on the 8th day of April, 1985 and shall remain in force upto and inclusive of the 21st day of April, 1985.

2. Every foreigner who is required to be in possession of a passport or any other kind of travel document for purpose of entry into India shall carry with him at all times, while he is in the Union Territory of Delhi, his passport or such other travel document as is required to be in his possession or other proof of his identity as also the certificate of registration and residential permit, if any, issue to him under the Registration of Foreigners Ruls, 1939, and the Foreigners Order 1948, and shall be liable to produce the same on demand to any police officer of or above the rank of a constable or to any other officer concerned with internal security or work in respect of foreigners.

Published in the *Gazette of India, Extraordinary* Part-II, Section 3(ii),
No. 176, dated April 8, 1985

MINISTRY OF FINANCE

S. O. 292 (E).—*(New Delhi, the 20th March, 1985)*.—In exercise of the powers conferred by sub-section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Governwent hereby makes the following order further to amend the Capital Issues (Exemption) Order, 1969, namely :—

1 This order may be called **the Capital Issues (Exemption) Second Amendment Order. 1985.**

2. In the Capital Issues (Extemption) Order, 1969, in sub-clause (iv) of clause 4, for the words and letter "the Industrial Reconstruction Corporation of India" the words and letters "the Industrial Reconstruction Bank of India" shall be substituted.

Published in the *Gazette of India, Extraordinary*, Part-II, Section 3(ii),
No. 214, dated April 27, 1985

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

S. O. 366 (E).—*(New Delhi, the 27th April, 1985)*.—In exercise of the powers conferred by clause (g) of section 2 of **the Transformer and Switchgear Limited (Acquisition and Transfer of Undertakings) Act**, 1983 (41 of 1983), the Central Government hereby specifies the 1st day of June, 1985, as the specified date for the purpose of section 17 of the said Act.

Published in the *Gazette of India. Extraordinary* Part-II, Section 3(ii), No. 231, dated May 14, 1985

MINISTRY OF COMMERCE

S. O. 386 (E).—(*New Delhi, the 14th May, 1985*).—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Centrat Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This order may be called **the Exports (Control) Eighth Amendment Order, 1985.**

2. In the Exports (Control) Order, 1977 in Schedule 1, in Part A, for serial number 8B and the entry relating thereto, the following shall be substituted, namely :—

"8B Cardamom Spent Seeds/Husk".

Published in the *Gazette of India (Ext.)*, Part-II, Section 3(ii), No. 235, dated May 15, 1985.

MINISTRY OF COMMERCE.

S. O. 391 (E).—(*New Delhi, the 15th Mey 1985*)—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947, (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This order may be called **the Exports (Control) Ninth Amendment Order, 1985.**

2. In the Exports (Control) Order, 1977, in Schedule III, in OGL-3 against said number 16 in column 4 for the existing entry, the following shall be substituted, namely :—

"Export allowed subject to minimum export price of Rs. 7,500/- per MT (f.o.b.)."

Published in the *Gazette of India (Ext.)*, Part-II Section 3 (ii), No. 252, dated May 24, 1985.

MINISTRY OF HOME AFFAIRS

S. O. 412(E).—(*New Delhi, the 24th May 1985*).—In exercise of the powers conferred by sub-section (3) of section 1 of **the Terrorist and Distruptive Activities (Prevention) Act, 1985** (31 of 1985), the Central Government hereby appoints the 24th day of May 1985 as the date on which the said Act shall come into force.

Published in the *Gazette of India (Ext.)*, Part-II, Section 3 (ii), No. 270, dated May 31, 1985.

MINISTRY OF HOME AFFAIRS

S. O. 433 (E).—(*New Delhi the 31st May 1985*).—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that subject to his control any power or duty which by **the Terrorist and Disruptive Activities (Prevention) Act, 1985** (31 of 1985) or by any rule made thereunder is conferred or imposed on the State Government shall be exercise and discharged by the Administrator of the Union territory (whether called a Lieutenant-Governor or a Chief Commissioner or, an Administrator) in relation to the Union territory concerned.

Published in the *Gazette of India* (*Ext.*), Part-II Section 3 (ii), No. 280, dated June 4, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

S. O. 445 (E)—(*New Delhi, the 4th June 1985*).—In exercise of the powers conferred by section 18G and Section 25 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) the Central Gavernment hereby makes the following order further to amend the Cement Control Order, 1967, namely :—

1. (1) This order may be called **the Cement Control (Third Amendment) Order, 1985**.

(2) It shall come into force with immediate effect.

2. In the Cement Control Order, 1967, in clause 2, for sub-clause (d) the following shall be substituted, namely :—

"(d) "Levy Cement" means that part of actual production of the cement plant as may be determined by the Central Government, from time to time, not being more than 60 per cent of actual production thereof."

Published in the *Gazette of India* (*Ext.*), Part-II, Section 3 (ii), No. 297, dated June 14, 1985.

MINISTRY OF FOOD AND CIVIL SUPPLIES.

S. O 465(E).—(*New Delhi, the 14th June 1985*)—In exercise of the powers conferred by section 3 of the Essential Commodities Act 1955 (10 of 1955), the Central Government hereby makes the following amendments in the Pulses, Edible Oilseeds and Edible Oils (Storeage Control) Order, 1977, namely :—

1, (1) This order may be called **the Pulses, Edible Oils (Storage Control) (Amendment) Order, 1985**.

(2) It shall come into force at once.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order 1977, in sub-paragraph (1) of Paragraph 4, for clause (ii), the following shall be substituted, namely :—

	Category of cities	Stock limits in quintals in the case of		Remarks.
		Wholesaler	Retailer	
"(ii) Edible Oilseeds Including groundnut in shell.	Category A	3000	200	1. All edible oilseeds taken together.
	Category B	2000	150	2. For groundnut kernel or seed 75% of the limits specified shall apply."
	Category C	2000	100	

Published in the *Gazette of India* (*Ext.*), Part-II, Section 3, (ii) No. 216, dated April 27, 1985

MINISTRY OF FINANCE

S. O. 368 (E).—(*New Delhi, the 27th April 1985*)—In exercise of the powers conferred by sub-section (4) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act 1970 (5 of 1970), the Central Government, after consultation with the Reserve Bank of India hereby makes the following scheme further to amend the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, namely :—

1. (1) This scheme may be called **the Nationalised Banks (Management and Miscellaneus provisions)** (**Amendment**) **Scheme 1985**.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970,—

(a) clause 13 shall be omitted ;

(b) (i) clause 14 shall be renumbered as sub-section (1) thereof and in sub-clause (1) as so renumbered, the words "such other" shall be omitted ;

(ii) after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely :—

"(2) Any committee under sub-clause (1) may be re constituted by the Board of any time it thinks fit."

(c) sub-clause (4) of clause 16 shall be omitted ;

(d) for clause 18, the following clause shall be substituted ,namely :—

"18. *Rosolution without meeting of the Board valid.*—A resolution writing signed by the majority of thc members of the Board shall be valid and effectual and shall be deemed to be the resolution passed by the Board on the date it was signed by the last signatory to the resolution :

Provided that any resolution passed as aforesaid shall be placed before the next meeting of the Board :

Provided further that if any dissenting members requires in writing that any resolution so passed shall be placed before a meeting of the Board, the resotution shall not be deemed to be valid and effectual as aforsaid unless the same is passed at such meeting.".

Published in the *Gazette of India* (*Ext.*), Part-II, Section 3 (ii), No. 216 dated April 27, 1985.

MINISTRY OF FINANCE

S. O. 369 (E).—*(New Delhi, the 27th April, 1985)*—In exercise of the powers conferred by sub-section (4) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980), the Central Government, after consultation with the Reserve Bank of India hereby makes the following scheme further to amend the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, namely :—

1. (1) This scheme may be called **the Nationalised Banks (Management and Miscellaneous Provisions) (Amendment). Scheme, 1985**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980,—

(a) clause 13 shall be omitted ;

(b) (i) clause 14 shall be renumbered as sub-clause (1) thereof and in sub-clause (1) as so renumbered, the words' "such other" shall be omitted ;

(ii) after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely :—

"(2) Any Committee constituted under sub-clause (1) may be re-constituted by the Board at any time it thinks fit." ;

(c) sub-clause (4) of the clause 15 shall be omitted ;

(d) for clause 17, the following clause shall be substituted, namely :—

"17. *Resolution without meeting of the Board valid.*—A resolution in writing signed by the majority of the members of the Board shall be valid and effectual and shall be deemed to be the resolution passed by the Board on the date it was signed by the last signatory to the resolution:

Provided that any resolution passed as aforesaid shall be placed before the next meeting of the Board :

Provided further that if any dissenting members requires in writing that any resolution so passed shall be placed before a meeting of the Board the resolution shall not be deemed to be valid and effectual as aforesaid unless the same is passed at such meeting".

Published in the *Gazette of India, Ext.* Part II, Section 3 (ii), No. 170, dated April 4, 1985.

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT.

S.O. 286(E).—(*New Delhi, the 4th April, 1985*) In exercise of the powers conferred under section 25 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act. 1981 (42 of 1981) and in supersession of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) (Amendment) Rules, 1984 the Central Government hereby makes the following rules to amend Maritime Zones of India (Regulation of Fishing by Foreign Vessels), Rules, 1982 namely:—

1. *Short title and commencement.*—(1) These rules may be called the **Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Amendment Rules, 1985.**

(ii) They shall come into force on the date of their publication in the official Gezette.

2. In the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 hereinafter referred to as the said rules (i) in rule 5, in sub-rule (1), after clause (x), the following clause shall be inserted, namely:—

"(y) where the fishing is authorised by the licence including the licences issued prior to the commencement of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Amendment Rules, 1985, the crew of the Vessel shall fish beyond,

A. 24 nautical miles from the shore on the Western coast as a general rule with the flowing restrictions, namely:—

(1) off Maharashtra-Gujarat Coast line. No Fishing by Foreign vessels shall be allowed between the coast line and the line joining the following points :—

(I) 22° 54′ N-67° 33′E
(ii) 21° 33′ N-68° 56′ E
(iii) 19° 2′ N-72-E
(iv) 18° 33′ N-72° E
(v) 18° N-72° 31′E

(2) Off Kerala-Tamil Nadu Coast line.

No fishing by foreign vessels shall be allowed in the areas joined by the following points :—

(i) 7° 45′ N-77° E
(ii) 7° 45′N-78° E
(iii) 7° 30′N-78° E
(iv) 7° 30′N-77° E

B. 12 nautical miles from the shore on the Eastern coast as a general rule subject to the following restrictions, namely :—

(i) Fishing may be done beyond 24 nautical miles between the Nizampatna (Andhra Pradesh) and Paradeep Port (Orissa).

(ii) No finishing shall be allowed between the area covered by the coast line and the line joining the following points in the North of Chilka (Orissa) and upto Bangladesh boundary :

(i) 19° 22′ N-85° 30′ E
(ii) 20° N-86° 56′ E
(iii) 20° 42′ N-88° E
(iv) 21° 08′ N-88° 7′ E
(v) 21° 16′ N-89° 14′ E"

(ii) in rule 8 of the said rules, in sub-rule (1) after clause (p), the following clause shall be inserted, namely :—

"(q) The charterer including those who hold permits issued prior to the commencement of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Amendment Rules, 1985, shall fish beyond,—

A. 24 nautical miles from the shore on the Western coast as a general rule with the following restrictions, namely:—

(1) Off Maharashtra/Gujarat Coast line. No fishing by foreign Vessels shall be allowed between the coast line and the line joining the following points:

(i) 22° 54′ N-67° 33′ E
(ii) 21° 33′ N-68° 56′ E
(iii) 19° 2′ N-72° E
(iv) 18° 33′ N-72° E,
(v) 18° N-72′ 31° E

(2) Off Kerala/Tamil Nadu Coast line. No fishing by foreign vessels shall be allowed in the areas joined by the following points off Kerala/Tamil Nadu coast line.

(i) 7- 45′ N-77° E
(ii) 7° 45′ N-78° E
(iii) 7° 30′ N-78° E
(iv) 7° 30′ N-77° E

B. 12 nautical miles from the shore on the Eastern Coast as general rule subject to the following restrictions, namely:—

(i) Fishing may be done beyond 24 nautical miles between the Nizampatnam (Andhra Pradesh) and Paradeep Port (Orissa).

(ii) No fishing shall be allowed between the area covered by the coast line and the line joining the following points in the North of Chilka (Orissa) and upto Bangladesh boundary:

(i) 19.22′ N-85.30′ E
(ii) 20.N-86.56′ E

(iii) 20.42′ N 88′ E
(iv) 21.8′ N-89.7′ E
(v) 21.16′N-89.14′ E

Published in the *Gazette of India*, (*Ext.*), Part-II, Section 3(i), No. 178, dated April 19, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

G. S. R. No. 372(E)—(*New Delhi, the 19th April, 1985*)—In exercise of the powers conferred by section 58A, read with section 642, of the Companies Act, 1956 (1 of 1956), the Central Government, in consulation with the Reserve Bank of India, hereby makes the following rules, further to amend the Companies (Acceptance of Deposits) Rules, 1975, nemely :—

1. (1) These rules may be called **the Companies (Acceptance of Deposits) Second Amendment Rules, 1985**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2 (i) In the Companies (Acceptance of Deposits) Rules, 1975 in clause (n) of Rule 2 after sub-clause (x), the following sub-clause shall be inserted, namely :—

"(xi) any amount brought in by the promoters by way of unsecured loans in pursuance of stipulation of financial institutions subject to the fulfilment of the following conditions, namely :—

(a) the loans are brought in pursuance of the stipulation imposed by the financial institutions in fulfilment of the obligation of the promoters to contribute such finance ;

(b) the loans are provided by the promoters themselves and/or by their relatives, not from their friends and business associates ; and

(c) the exemption under this sub-clause shall be available only till the loans of financial institutions are repaid and not thereafter.

Explanation :—For the purpose of this sub-clause the term 'financial' institution' shall mean :—

(a) a public financial institution specified in or under section 4A of the Companies Act, 1956.

(b) a State Financial, Industrial or Investment Corporation ;

(c) the State Bank of India or a sudsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959) ;

(d) a nationalised bank ; that is to say, a corresponding new bank as defined in section 2 of :—

(i) the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) ; or

(ii) the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) ;

(e) the General Insurance Corporation of India established in pursuance of the provisions of section 9 of the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) ;

(f) the Industrial Reconstruction Corporation of India ; or

(g) any other Institution which the Central Government, may, be notification, specify in this behalf".

(ii) for the existing Form of Return of Deposits, the following Form shall be substituted, namely :—

FORM

(See Rule 10 of the Companies (Acceptance of Deposits) Rules, 1975.)

Registration No.————————
Company Code————————
(To be filed by RBI)

Return of deposits with non-banking Conpanies, other than financial Companies as on 31st March,———

	Zone	Type
	1	2

(Please see Instruction No. 1)

For Office use only

1. Name of the Company ————
2. Full address of :
(i) Registered office ————
Pin Code : ————
(ii) *Head/Administrative Office ————
Pin Code. ————
3. Whether a Government Company ** Yes :———No————
4. **State in which the Company is having its Registered Office. ————
5. Status : Public Ltd. Company/Private Ltd. Company/ Deemed Public Ltd. Company. ————
6. Date of closing of the accounts. ————
7. Main Business : (Agriculture/Plantation/Manufacturing/Trading/Shipping & other transport/Hotels Any others) (Please specify). ————
8. Type of industry: (Cotton Textiles, Sugar, Engineering etc.) (Please Specify). ————
9. Name(s) of the Company's auditors and address(es) ————

*If it is place other than the registered office.
**Tick the box which is applicable.
***Strike off the categories not applicable,
****Enter the name of the State in the space provided therefor.

Note :—

1. (a) Every company to which these rules apply, shall on or before the 30th day of June, of every year, file with the Registrar of Companies, a return in the form annexed to these rules and furnishing the information contained therein as on the 31st day of March of that year (duly certified by the auditors of the Company).

(b) The return, after completion, should be filed with the Registrar of Companies with a copy of to the Joint Chief Officer, Department of Financial Companies (Central Office Cell), Reserve Bank of India, 16th Floor, NCOB, S. B. Road, Bombay-400023.

2. The submission of the return should not be delayed for any reason such as the finalisation/completion of the audit of the annual accounts. The return should be Completed on the basis of the figures available in the books of accounts of the company.

3. The number of accounts should be given in actual figures while the amounts of deposits should be given in thousands of rupees. Amount should be rounded off to the nearest thousands, for example, amount of Rs. 4,560 should be shown as 5 and not as 4.6 or 5,000/-. Similarly an amount of Rs. 61,495 is to be shown as 61 and not 61.4 or 6100/-.

4. The period wise classification of deposits should be made against the various heads under item No. 2 (a) and 4 (a) of Part-1 of the return according to the periods of which they have been originally received/last renewed and not according to the period they have to run as from the 31st March i. e. the date of the return.

5. In case there is nothing to report in any part of the return, it should be marked 'NIL' and the Manager's/Managing Director's/Authorised Official's Certificate appended to the return should be duly signed.

PART-1

Particulars of Deposits, etc.

Item No.	Particulars	Item Code	No. of accounts	Amount (in thousand Rs.)
(1)	(2)	(3)	(4)	(5)
1.	Deposits of the kind referred to in Rule 3(2) (i) of the Rules :			
	(i) Amount of deposits brought forward from the previous years.	101		
	(ii) Amount of deposit accepted or renewed during the year.	102		
	(iii) Total:	103		
	(iv) Amount of deposits repaid during the year	104		
	(v) Balance of deposits outstanding at the end of the year :—	105		
(a)	Unsecured debentures.	111		
(b)	Deposits received by a public Company from its shareholders (vide note (1) below).	112		
(c)	Deposits including unsecured loans guaranted by directors in their personal capacity.	113		
(d)	Total of the total deposits at item 1 (v) (b) above those	110		
2. (a)	(i) Repayable on demand or notice or otherwise in less than 6 months.	121		
	(ii) For a period of 6 months or more but less than 1 year.	122		
	(iii) For a period of 1 year or more but less than 2 years.	123		
	(iv) For a period of 2 years or more but less than 3 years.	124		
	(v) For a period of 3 years.	125		
	(vi) More than 3 years.	126		
	(vii) Total	120		
(b)	(i) Free of interest	131		
	(ii) Below 6%	132		

it shall have effect notwithstanding anything to the contrary contained in any other law or agreement, award or other instrument for the time being in force."

5. *Validation*.—(1) Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority or in any other law, agreement, award or other instrument for the time being in force, every scheme framed or purporting to have been framed with restrospective effect under sub-section (1) of section 16 of the principal Act and every notification made or purporting to have been made with restrospective effect under sub-section (6) of that section before the commencement of the General Insurance Business (Nationalisation) Amendment Act, 1985 shall be, and shall be deemed always to have been, for all purposes, as valid and effective as if the amendment made in the said section 16 by section 3 of this Act had been part of that section and had been in force at all material times.

(2) Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority or in any other law, agreement, award or other instrument for the time being in force,—

(a) every scheme framed, or purporting to have been framed, by the Central Government under sub-section (1) of section 16 of the principal Act; and

(b) every notification made, or purporting to have been made, by the Central Government under sub-section (6) of the said section 16.

before the commencement of the General Insurance Business (Nationalisation) Amendment Act, 1985, in so far as such scheme or notification provides (whether with or without retrospective effect) for any relationalisation or revision of pay scales or other terms and conditions of service of officers and other employees of the Corporation or of any acquiring company, otherwise than in relation to, or in connection with, amalgamation of insurance companies or merger consequent on nationalisation of general insurance business shall be and shall be deemed always to have been for all purpose, as valid and effective as if section 17A, as inserted in the principal Act by section 4, of this Act had been part of the principal Act and had been in force at all material time and such schemes or notification in so far as it provides as aforesaid had been framed or made under the said section 17A :

Provided that nothing in this section shall apply to, or in relation to the notification dated the 30th day of September, 1980, framing the General Insurance (Nationalisation and Revision of pay scales and Other Conditions of Service of Supervisory Clerical and Subordinate Staff) Second Amendment Scheme, 1980.

Explanation.—In this section, the expressions "acquiring company" and "Corporation" shall have the meanings respectively assigned to them in the principal Act.

6. *Repeal and saving*.—(1) The General Insurance Business (Nationalisation) Amendment Ordinance 1984 (10 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have done or taken under the principal Act, as amended by this Act.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1985.

The following Act of the Parliament received the assent of the President and was published in *the Gazette of India* (*Ext.*), Part II, Section 1, dated the 16th February, 1985.

INDIAN PARLIAMENT ACT NO. 9 OF 1985.

An Act further to amend the Representation of the People Act, 1956.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may called **the Representation of the People (Amendment) Act 1985.**

(2) It shall be deemed to have come into force on the 20th day of November, 1984.

2. *Insertion of new section 73A.*—In the Representation of the People Act, 1951 (43 of 1951), (hereinafter referred to as the princpal Act), after section 73, the following section shall be inserted, namely :—

"73A. *Special provision as to certain elections.*—Notwithstanding anything contained in section 73 or in any other provision of this Act, with respect to the general election for the purpose of constituting a new House of the People upon the expiry of the term of the House of the People in existence on the commencement of the Representation of the People (Amendment) Act, 1985,—

(a) the notification under section 73 may be issued without taking into account the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab; and

(b) the Election Commission may take the steps in relation to elections from the Parliamentary constituencies in the State of Assam and the Parliamentary constituencies in the State of Punjab separately and in such manner and on such dates as it may deem appropriate.".

3. *Repeal and saving.*—(1) The Representation of the People (Amendment) Ordinance, 1984 (15 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE SUGER UNDERTAKINGS (TAKING OVER OF MANAGEMENT) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President and was published in *the Gazette of India (Ext.)*, Part II, Section I, dated 16th February, 1985.

INDIAN PARLIAMENT ACT NO. 11 OF 1985

An Act further to amend the Sugar Undertakings (Taking over of Management) Act, 1978.

Be it enacted by Parliament in the Thirty-fifth Year of of the Repeblic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Suger Undertatings (Taking over of Management) Amendment Act, 1985.**

(2) It shall be deemed to have come into force on the 20th day of November, 1984.

2. *Amendment of section 3 of Act 49 of 1978* —In section 3 of the Sugar Undertakings (Taking over of Management) Act, 1978 (hereinafter referred to as the principal Act), in the proviso to sub-section (5), for the words "six years", the words "seven years" shall be substituted.

3. *Repeal and saving.*—(1) The Sugar Undertakings (Taking Over of Management) Amendment Ordinance, 1984 (14 of 1984.), is hereby repealed.

(2) Notwithstanding such repeal, anythihg done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or takend under the principal Act, as amended by this Act.

THE ADMINISTRATIVE TRIBUNALS ACT, 1985

The following Act of Parliament received the assent of the President and was published in *the Gazette of India* (*Ext.*), Part II, Section 1, dated the 27th February. 1985.

INDIAN PARLIAMENT ACT NO. 13 OF 1985

An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY

1. *Short title, extent and commencement* —(1) This Act may be called **the Admintstrative Tribunals Act, 1985.**

(2) It extends,—

(a) in so far as it relates to the Central Administrative Tribunal, to the whole of India ;

(b) in so far as it relates to Administrative Tribunals for States, to the whole of India, except the State of Jammu and Kashmir.

(3) The provisions of this Act, in so far as they relate to the Central Administrative Tribunal, shall come into force on such date as the Central Government may, by notification, appoint.

(4) The provisions of this Act, in so far as they relate to an Administrative Tribunal for a State, shall come into force in a State on such date as the Central Government may, by notification, appoint.

STATEMENT OF OBJECTS AND REASONS

"Article 323A of the Constitution stipulates that Parliament may, by law, provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation owned or controlled by the Government.

2. The Act seeks to give effect to the aforesaid constitutional provison by providing for the establishment of an Administrative Tribunal for the Union and a separate Administrative Tribunal for a State or a Joint Admini-

strative Tribunal for two or more States. The Act also provides for—

(a) the jurisdiction powers (including the power to punish for contempt) and authority which may be exercised by each Tribunal ;

(b) the procedure (including provisions as to limitation and rules of evidence) to be followed by the Tribunals ;

(c) exclusion of the jurisdiction of all courts, except that of the Supreme Courts under article 136 of the Constitution relating to service matters ;

(d) the transfer to each Administrative Tribunal of any suit or other proceedings pending before any court or other authority immediately before the establishment of such Tribunal as would have been within the jurisdiction of such Tribunal if the causes of action on which such suit of proceedings are based has arisen after such establishment.

3. The establishment of Administrative Tribunal under the aforesaid provision of the Constitution has become necessary since a large number of cases relating to service matters are pending before the various courts. It is expected that the setting up of such Administrative Tribunals to deal exclusively with service matter would go a long way in not only reducing the burden of the various courts and thereby giving them more time to deal with other cases expeditiously but in also providing to the persons covered by the Administrative Tribunal speedy relief in respect of there grievances.

[Vide Statement of Objects and Reasons, printed in the Gazette of India, Extra., Part II, Section 2, dated August 10, 1984].

2. *Act not to apply to certain persons.*—The provisions of this Act shall not apply to—

(a) any member of the naval, military or air forces or of any other armed forces of the Union ;

(b) any person governed by the provisions of the Industrial Disputes Act, 1947 (14 of 1947), in regard to such matters in respect of which he is so governed ;

(c) any other servant of the Supreme Court or of any High Court ;

(d) any person appointed to the secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union territory having a Legislature, of that Legislature.

Note

This section provides for exclusion of certain categories of persons from the purview of the Act.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Administrative Tribunal", in relation to a State means the Administrative Tribunal for the State or, as the case may be, the Joint Administrative Tribunal for that State and any other State or States ;

(b) "application" means the application made under section 19 ;

(c) "appointed day", in relation to a Tribunal, means the date with effect from which it is established, by notification, under section 4 ;

(d) "appropriate Government" means,—

(i) in relation to the Centrel Administrative Tribunal or a Joint Administrative Tribunal, the Central Government ;

(ii) in relation to a State Administrative Tribunal, the State Government ;

(e) "Bench', means a Bench of a Tribunal ;

(f) "Central Administrative Tribunal" means the Administrative Tribunal established under sub-section (1) of section 4 ;

(g) "Chairman" means the Chairman of a Tribunal ;

(h) "Joint Administrative Tribunal" means an Administrative Tribunal for two or more States established under sub-section (3) of section 4 ;

(i) "Member" means a Member of a Tribunal ;

(j) "notification" means a notification published in the Official Gazette ;

(k) "post" means a post within or outside India ;

(i) "prescribed" means prescribed by rules made under this Act ;

(m) "President" means the President of India ;

(n) "principal Bench" means the principal Bench of a Tribunal ;

(o) "rules" means rules made under this Act ;

(p) "service" means service within or outside India ;

(q) "service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or, as the case may be, of any corporation owned or controlled by the Government, as respects—

(i) renumeration (including allowances), pension and other retirement benefits ;

(ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation ;

(iii) leave of any kind ;

(iv) disciplinary matters ; or

(v) any other matter whatsoever ;

(r) "service rules as to redressal of grievances", in relation to any matter, means the rules, regulations, orders or other instruments or arrangements as in force for the time being with respect to redressal, otherwise than under this Act, of any grievances in relation to such matter ;

(s) "Supreme Court" means the Supreme Court of India ;

(t) "Tribunal" means the Central Administrative Tribunal or a Joint Administrative Tribunal ;

(b) "Vice-Chairman" means the Vice-Chairman of a Tribunal.

Explanation.—In the case of a Tribunal having two or more Vice-Chairmen, references to the Vice-Chairman in this Act Act shall be consrued as a reference to each of those Vice-Chairman.

CHAPTER II—ESTABLISHMENT OF TRIBUNALS AND BENCHES THEREOF

4. *Establishment of Administrative Tribunals.*—(1) The Central Government shall, by notification, establish an Administrative Tribunal, to be known as the Central Administrative Tribunal, to exercise the jurisdiction, powers and authority conferred on the Central Administrative Tribunal by or under this Act.

(2) The Central Goverment may, on receipt of a request in this behalf from any State Government, establish, by notification, an Administrative Tribunal for the State to be known as the ....(name of the State) Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunal for the State by or under this Act.

(3) Two or more States may, notwithstanding anything contained in sub-section (2) and notwithstanding that any or all of those States has or have Tribunals established under that sub-section, enter into an agreement that the same Administrative Tribunal shall be the Administrative Tribunal for each of the States participating in the agreement, and if the agreement is approved by the Central Government and published in the Gazette of India and the Official Gazette of each of those States, the Central Government may, by notification. establish a Joint Administrative Tribunal to exercise the jurisdiction, powers and authority conferred on the Administrative Tribunals for those States by or under this Act.

(4) An agreement under sub-section (3) shall contain provisions as to the name of the Joint Administrative Tribunal, the manner in which the participating States may be associated in the selection of the Chairman, Vice-Chairman and other Members of the Joint Administrative Tribunal, the places at which the Bench or Benches of the Tribunal shall sit, the apportionment among the participating States of the expenditure in connection with the Joint Administrative Tribunal and may also contain such other supplemental, incidental and consequential provisions not inconsistent with this Act as may be deemed necessary or expedient for giving effect to the agreement.

Note

This section provides for the establishment of the Central Administrative Tribunal by the Central Government and the establishment of Administrative Tribunal for a State or two or more States by the Central Government on a request received from the State Government(s) in this behalf.

5. *Composition of Tribunals and Benches thereof.*—(1) Each Tribunal shall consist of a Chairman and such number of Vice-Chairmen and other Members as the appropriate Government may deem fit and, subject to the other provisions of this Act, the jurisdiction. powers and authority of the Tribunal may be exercised by Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall be presided over by the Chairman or a Vice-Chairman and shall consist of at least two other Members.

(3) The Bench for which the Chairman is appointed as the Presiding Officer shall be the principal Bench and the other Benches shall be known as the additional Benches.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (3), the Chairman—

(a) may also act as the Chairman of any additional Bench ;

(b) may transfer the Vice-Chairman or other Member from one Bench to another Bench ;

(c) may authorise the Vice-Chairman or other Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, other Member of another Bench ; and

(d) may, for the purpose of securing that any case or cases which, having regard to the nature of the questions involved, requires or require, in his opinion or under the rules made by the Central Government in this behalf, to be decided by a Bench composed of more than three Members, issue such general or special orders, as he may deem fit.

(5) Notwithstanding anything contained in sub- section (1) or sub-section (3) and subject to any rules that may be made in this behalf, when

one of the persons constituting a Bench (whether such person be the Presiding Officer or other Member of the Bench) is unable to discharge his functions owing to absence, illness or any other cause or in the event of the occurrence of any vacancy either in the office of the Presiding Officer or in the office of one or the other Members of the Bench, the remaining two persons may function as the Bench and if the Presiding Officer of the Bench is not one of the remaining two persons, the senior among the remaining persons shall act as the Presiding Officer of the Bench.

(6) Notwithstanding anything contained in the foregoing provisions of this section it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as an additional Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Tribunal in respect of such classes of cases or such matters pertaining to such classes of cases as the Chairman may by general, or special order specify :

Provided that if at any stage of the hearing of any such case or matter it appears to the Chairman or such Member that the case or matter is of such a nature that it ought to be heard by a Bench consisting of three Members, the case or matter may be transferred by the Chairman or as the case may be, referred to him for transfer to such Bench as the Chairman may deem fit.

(7) Subject to the other provisions of this Act, the places at which the principal Bench and other Benches shall ordinarily sit shall be such as the appropriate Government may, by notification, specify.

Note

This section provides for the establishment of the Tribunal with a principal Bench and such number of additional Benches as may be required and provides that each Bench shall consist of three members including the Presiding Officer.

6. *Qualifications for appointment as Chairman, Vice-Chairman or other Member.*—. (1) A person shall not be qualified for appointment as the Chairman unless he—

(a) is, or has been, a Judge of a High Court ; or

(b) has, for at least two years, held the office of Vice-Chairman ; or

(c) has, for at least two years, held the post of a Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Secretary to the Government of India.

(2) A person shall not be qualified for appointment as the Vice-Chairman unless he—

(a) is, or has been, a Judge of a High Court ; or

(b) has, for at least two years, held the post of a Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Secretary to the Government of India ; or

(c) has, for a period of not less than three years, held office as a Member.

(3) A person shall not be qualified for appointment as a Member unless he—

(a) is, or has been, or is qualified to be, a Judge of a High Court ; or

(b) has, for at least two years, held the post of an Additional Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India ; or

(c) has, for at least three years, held the post of a Joint Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(4) The Chairman, Vice-Chairman and every other Member of the Central Administrative Tribunal shall be appointed by the President.

(5) The Chairman, Vice-Chairman and every other Member of an Administrative Tribunal for a State shall be appointed by the President after consultation with the Governor of the concerned State.

(6) The Chairman, Vice-Chairman and every other Member of a Joint Administrative Tribunal shall, subject to the terms of the agreement between the participating State Governments published under sub-section (3) of section 4, be appointed by the President after consultation with the Governors of the concerned States.

Explanation.—In computing, for the purposes of this section, the period during which a person has held any post under the Central or a State Government, there shall be included the period during which he has held any other post under the Central or a State Government (including an office under this Act) carrying the same scale of pay as that of the first mentioned post or a higher scale of pay.

Note

This section makes detailed provisions regarding the qualifications to be fulfilled for appointment as Chairman, Vice-Chairman or other Members.

7. *Vice-Chairman to act as Chairman or to discharge his functions in certain circumstances.*—(1) In the event of the occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or otherwise, the Vice-Chairman or, as the case may be, such one of the Vice-Chairman as the appropriate Government may, by notification, authorise in this behalf, shall act as the Chairman until the date on which a new Chairman, appointed in accordance with the provisions of this Act to fill such vacancy enters upon his office.

(2) When the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Vice-Chairman or, as the case may be. such one of the Vice-Chairman as the appropriate Government may, by notification, authorise in this behalf, shall discharge the functions of the Chairman until the date on which the Chairman resumes his duties.

Note

This section indicates the circumstances under which the Vice-Chairman of the Tribnnal may act as Chairman or discharge the functions of the Chairman.

8 *Terms of office.*—The Chairman, Vice-Chairman, or other Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(a) in the case of the Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of any other Member, the age of sixty-two years, whichever is earlier.

Notes

This section fixes the tenure of the Chairman, Vice-Chairman or other Members of the Tribunal subject to a maximum age limit.

9. *Resignation and removal.*—(1) The Chairman, Vice-Chairman or other Member may, by notice in writing under his hand addressed to the President, resign his office :

Provided that the Chairman, Vice-Chairman or other Member shall, unless he is permitted by the President to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairman, Vice-Chairman or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman, Vice-Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman Vice-Chairman or other Member referred to in sub-section (2).

Notes

This section details the procedure for resignation or removal of the Chairman, Vice-Chairman or other Members of the Tribunal.

10. *Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.*—The salaries and allowances payable to and the others terms and conditions of service (including pension, gratuity and other requirement benefits) of, the Chairman, Vice-Chairman and other Members shall be such as may be prescribed by the Central Government :

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Member shall be varied to his disadvantage after his appointment.

Notes

This section provides for the framing of rules by the Central Government to regulate the salaries and allowances and other condition of service of Chairman, Vice-Chairman and other Members.

11. *Provision as to the holding of offices by Chairman, etc., on ceasing to be such Chairman etc.*—On ceasing to hold office,—

(a) the Chairman of the Central Administrative Tribunal shall be ineligible for further employment either under the Government of India or under the Government of a State ;

(b) the Chairman of a State Administrative Tribunal or a Joint Administrative Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman of any other member of the Central Administrative Tribunal or as the Chairman of any other State Administrative Tribunal or Joint Administrative Tribunal but not any other employment either under the Government of India or under the Government of a State.

(c) the Vice-Chairman of the Central Administrative Tribunal shall subject to the other provisions of this Act, be eligible for appointment as the Chairman of that Tribunal or as the Chairman or Vice-Chairman of any State Administrative Tribunal or Joint Administrative Tribunal, but not for any other employment either under the Government of India or under the Government of a State ;

(d) the Vice-Chairman of a State Administrative Tribunal or a Joint Administrative Tribunal shall, subject to the other provisions of this Act be eligible for appointment as the Chairman of that Tribunal or as the Chairman or Vice-Chairman of the Central Administrative Tribunal or of any other State Administrative Tribunal or Joint Administrative Tribunal, but not for any other employment either under the Government of India or under the Government of a State ;

(e) a Member (other than the Chairman or Vice-Chairman) of any Tribunal shall, subject to the other provisions of this Act, be eligible for appointment as the Chairman or Vice-Chairman of such Tribunal or as the Chairman, Vice-Chairman or other Member of any other Tribunal, but not for any other employment either under the Government of India or under the Government of a State ;

(f) the Chairman, Vice-Chairman or other Member shall not appear, act or plead before any Tribunal of which he was the Chairman, Vice-Chairman or other Member.

Explanation.—For the purposes of this section, employment under the Government of India or under the Government of a State includes employment under any local or other authority within the territory of India or under the control of the Government of India or under any corporation owned or controlled by the Government.

Notes

This section provides for certain restrictions on the further employment of the Chairman, Vice-Chairman and other Members on their ceasing to hold such office with a provision for further employment of a Vice-Chairman as Chairman.

12. *Financial and administrative powers of the Chairman.*—The Chairman shall exercise such financial and Administrative power over the principal Bench and each of the additional Benches as may be vested in him under the rules made by the appropriate Government :

Provided that the Chairman shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairman subject to the condition that the Vice-Chairman shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

Notss

This section provides for framing of rules by the Central Government or the State Government defining financial and administrative powers of the Chairman, with provision to enable the Chairman to delegate his powers to the Vice-Chairman.

13. *Staff of the Tribunal.*—(1) The appropriate Government shall determine the nature, and categories of the officers and other employees required to assist a Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

(2) The salaries and allowances and conditions of service of the officers and other employees of a Tribunal shall be such as may be specified by rules made by the appropriate Government.

Notes

This section provides that the Central Government or a State Government as the case may be shall provide the staff for the functioning of the Tribunal.

CHAPTER III—JURISDICTION, POWERS AND AUTHORITY OF TRIBUNALS

14. *Jurisdiction, powers and authority of the Central Administrative Tribunal.*—(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court under article 136 of the Constitution) in relation to—

(a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian ;

(b) all service matters concerning—

(i) a member of any All-India Service ; or

(ii) a person [not being a member of an All India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union ; or

(iii) a civilian [not being a member of an India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation or other body, at the disposal of the Central Government for such appointment.

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations owned or controlled by Government, not being a local or other authority or corporation controlled or owned by a State Government :

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations.

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other

authority or corporation, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court under article 136 of the Constitution) in relation to—

(c) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation ; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation and pertaing to the service of such person in connection with such affairs.

Notes

This section defines the jurisdiction, powers and authority of the Central Administrative Tribunal in regard to service matters of various categories of persons specified therein.

15. *Jurisdiction, powers and authority of State Administrative Tribunals.*—(1) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court under article 136 of the Constitution) in relation to—

(a) recruitment, and matters concerning recruitment, to any civil service of the State or to any civil post under the State ;

(b) all service matters concerning a person [not being a person referred to in clause (c) of this sub-section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation owned or controlled by the State Government ;

(c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b), being a person whose services have been placed by any such local or other authority or corporation or other body as is controlled or owned by the State Government, at the disposal of the State Government for such appointment.

(2) The State Government may, by notification apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities and corporations controlled or owned by the State Government :

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different categories under any class of, local or other authorities or corporations.

(3) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court under article 136 of the Constitution) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation ; and

(b) all service matters concerning a person [other than a person referred to in clause (b) of sub-section (1) of this section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any service or post in connection with the affairs of such local or other authority or corporation and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts, it is hereby declared that the jurisdiction, powers and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any matter in relation to which the jurisdiction powers and authority of the Central Administrative Tribunal extends or is exercisable.

Notes

This section defines the jurisdiction, powers and authority of the State Administrative Tribunal in regard to service matters of various categories of persons specified therein.

16. *Jurisdiction, powers and authority of a Joint Administrative Tribunal.*—A Joint Administrative Tribunal for two or more States shall exercise all the jurisdiction, powers and authority exercisable by the Administrative Tribunals for such States.

Notes

This section clarifies that a Joint Administrative Tribunal shall be functioning as the State Administrative Tribunal for each of the constituent States.

17. *Powers to punish for contempt.*—A Tribunal shall have, and exercise, the same jurisdiction powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971), shall have effect, subject to the mdifications that—

(a) the references therein to a High Court shall be construed as including a reference to such Tribunal ;

(b) the references to the Advocate-General in section 15 of the said Act shall be costrued,—

(i) in relation to the Central Administrative Tribunal, as a reference to the Attorney-General or the Solicitor-General or the Additional Solicitor-General ; and

(ii) in relation to an Administrtive Tribunal for a State or a Joint Administrative Tribunal for two or more States, as a reference to the Advocate-General of the State or any of the States for which such Tribunal has been established

Notes

This section vests the Tribunal with powers to punish for contempt of itself as a High Court.

18. *Distribution of business amongst the Tribunals and its Benches.*—(1) Where any additional Bench or Benches of a Tribunal is or are constituted the appropriate Government may, from time to time, by notification, make provisions as to the distribution of the business of the Tribunal amongst the principal Bench and the additional Bench or additional Benches and specify the matters which may be dealt with by each Bench.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench of a Tribunal, the decision of the Chairman thereon shall be final.

Explanation.—For the removal of doubts, it is hereby declared that the expression "matters" includes applications under section 19.

Notes

This section provides for appropriate provisions being made by the Central Government or the State Government as the cass may be, for distribution of business amongst the Tribunal and its Benches.

CHAPTER IV—PROCEDURE

19. *Application to Tribunals.*—(1) Subject to the other provision of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.

Explanation.—For the purposes of this sub-section "order" means an order made—

(a) by the Government or a local or other authority within the territory of India or under the Control of the Government of India or by any corporation owned or controlled by the Government ; or

(b) by an officer, committee or other body or agency of the Government or a local or authority or corporation referred to in clause (a).

(2) Every application under sub-section (1) shall be in such form and be accompained by such documents or other evidence and by such fee (if any, not exceeding one hundered rupees) as may be prescribed by the Central Government.

(3) On receipt of an application under sub-section (1), the Tribunal may, if satisfied after such inquiry as it may beem fit, that the requirement under this Act are complied with in relation to such application, admit such application ; but where the Tribunal is not so satisfied, it may reject the application summarily.

(4) Where an application has been admitted by a Tribunal under sub-section (3) every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules.

Notes

This section provides for making an application to the Tribunal by an aggrieved persons covered by this Act.

20. *Applications not to be admitted unless other remedies exhausted.*—(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purpose of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances,—

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with grievance ; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purpose of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial.

Notes

This provides for admission of applications made by aggrieved persons only if other remedies available have been exhausted.

21. *Limitation.*—(1) A Tribunal shall not admit an application,—

(a) in case where final order such as is mentioned in clause (a) of of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made within one year from the date on which final order has been made ;

(b) in a case where an appeal or representatian such as is mentioned in clause (b) of sub-section (2) section 20 has been made and a period of six months had expired thereafter without such final order having been made within one year from the date of expiry of the said period of six months.

(2) Notwitstanding anything contained in sub-section (1), where—

(a) the grievance in respect of which application is made had been arisen by raeson of any order made at any time during the period of three years immediately proceeding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates ; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as ths case may be, clause (b), of sub-section (1) or within a preiod of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or as the case may be, period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

Notes

This section provides for limitation on admission of applications from the aggrieved persen by the Tribunal.

22. *Procedure and powers of Tribunal.*—(1) A Tribunal shall not be bound by the procedure, laid down in the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made by the Central Government, the Tribunal shall have power to regulate its own procedure including the fixing of places and times of its inquiry and deciding whether to sit in public or in private.

(2) A Tribunal shall decide every application made to it as expeditiously as possible and ordinarily every applicption shall be decided on a

perusal of documents and written representations and after hearing of oral arguments if any allowed by the Tribunal in the circumstances of the case.

(3) A Tribunal shall have, for the purposes of holding any inquiry, the same powers are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) which trying a suit, in respect of the following matters namely :—

(a) summoning and enforcing the attandance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavits ;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872) requisitioning any public record or document or copy of such record or document from any office ;

(e) issuing commissions for the examination of witness or document ;

(f) reviewing its decisions ;

(g) dismissing a representation for default or deciding it *ex-parte* ;

(h) setting aside any order of dismissal of any representation for default or any order passed by it *ex parte* ; and

(i) any other matter which may be prescribed by the Central Government.

Notes

This section provides that the Tribunal shall have the power to regulate its own procedure subject to the other provisions of this Act or of any rules made by the Central Government. It also invests the Tribunal with various powers necessary for holding an inquiry as are vested in a civil court.

23. *Right of applicant to take assistance of legal practitioner and of Government, etc., to appoint presenting officers.*—(1) A person making an application to a Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.

(2) The Central Government or a State Government or a local or other authority or corporation, to which the provisions of sub-section (3) of section 14 or sub-section (3) of section 15 apply, may appoint one or more persons (whether legal practitioners or not) to act as presenting officers and a person so appointed, or any legal practioner duly authorised in this behalf, by it may present its case with respect to any application before a Tribunal.

Notes

This section provides for the aggrieved persons taking the assistance of a legal practitioner and the Government presenting its case through one or more persons whether legal practitioners or not.

24. *Conditions as to making of interim orders.*—Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to an application unless—

(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made ; and

(b) opportunity is given to such party to be heard in the matter :

Provided that a Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant which cannot be adequately compensated in money but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

Note

This section empowers the Tribunal to make interim orders subject to certain conditions.

25. *Power of Chairman to transfer cases from one Bench to another.*—On the application of any of the parties, and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may—

(a) transfer any case pending before the principal Bench, for disposal, to any additional Bench, or

(b) transfer any case pending before an additional Bench for disposal to any other additional Bench, or

(c) withdraw to the principal Bench any case pending before any additional Bench, for disposal by the Principal Bench.

Notes

This section defines the powers of the Chairman to transfer cases between the principal Bench and the additional Benches and to withdraw a case from an additional Bench to the principal Bench.

26. *Decision to be by majority.*—The decision of a Bench on any point shall, where there is a majority, be according to the opinion of the majority, and where there is no majority and the members are equally divided in their opinion, they shall draw up a statement of the case setting forth the point or points on which they differ, and make a reference to the Chairman and on receipt of such reference the Chairman may arrange for the hearing of such point or points by one or more of the other members (including, if he did not preside over such Bench, himself) and such point or points shall be decided according to the opinion of the majority of the members who have heard the case including those who had first heard it.

Notes

This section provide for decision by the majority of the Tribunal and also prescribes the procedure to be followed when there is no majority.

27. *Execution of orders of a Tribunal.*—Subject to the other provisions of this Act and the rules, the order of a Tribunal finally disposing of an application shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section (2) of section 20 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed.

Notes

This section indicates the manner in which orders of Tribunals may be executed,

CHAPTER V—MISCELLANEOUS

28. *Exclusion of jurisdiction of courts execept the Supreme Court under*

article 136 of the Constitution.—On and from the date from which any jurisdiction, powers and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any service or post or service matters concerning members of any Service or persons appointed to any Service or post, no court (except the Supreme Court under article 136 of the Constitution) shall have, or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.

Notes

This section provides for the exclusion with regard to the matters mentioned therein of jurisdiction of all courts except that of the Supreme Court under article 136 of the Constitution

29. *Transfer of pending cases.*—(1) Every suit or other proceeding pending before any court or other authority immediately before the date of establishment of a Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based is such that is would have been, if it had arisen after such establishment, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal :

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court or the Supreme Court.

(2) Every suit or other proceeding pending before a court or other authority immediately before the date with effect from which jurisdiction is conferred on a Tribunal in relation to any local or other authority or corporation, being a suit or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after the said date, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal :

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court or the Supreme Court.

Explanation.—For the purposes of this sub-section "date with effect from which jurisdiction is conferred on a Tribunal", in relation to any local or other authority or corporation, means the date with effect from which the provisions of sub-section (3) of section 14 or, as the case may be, sub-section (3) of section 15 are applied to such local or other authority or corporation.

(3) Where immediately before the date of establishment of a Joint Administrative Tribunal any one or more of the States for which it is established, has or have a State Tribunal or State Tribunal or State Tribunals, all cases pending before such State Tribunal or State Tribunals immediately before the said date together with the records thereof shall stand transferred on that date to such Joint Administrative Tribunal.

Explanation.—For the purposes of this sub-section, "State Tribunal" means a Tribunal established under sub-section (2) of section 4.

(4) Where any suit, appeal or other proceeding stands transferred from any court or other authority to a Tribunal under sub-section (1) or sub-section (2),—

(a) the court or other authority shall, as soon as may be after such transfer, forward the records of such suit, appeal or other proceeding to the Tribunal ; and

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, appeal or other proceeding, so far as may be, in the same manner as in the case of an application under section 19 from the stage which was reached before such transfer or from any earlier stage or de novo as the Tribunal may deem fit.

(5) Where any case stands transferred to a Joint Administrative Tribunal under sub-section (3), the Joint Administrative Tribunal may proceed to deal with such case from the stage which was reached before it stood so transferred.

Notes

This section provides for the transfer to the Tribunal of all cases relating to service matters pending before courts except appeal cases.

30. *Proceedings before a Tribunal to be judicial proceedings.*—All proceedings before a Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860).

Notes

This section makes it clear that all proceedings before a Tribunal shall be deemed to judicial proceedings.

31. *Members and staff of Tribunal to be public servants.*—The Chairman, Vice-Chairman and other Members and the officers and other employees provided under section 13 to a Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Notes

This section makes it clear that Members and staff of the Tribunal shall be deemed to be public servants.

32. *Protection of action taken in good faith,*—No suit, prosecution or other legal proceeding shall lie against the Central or State Government or against the Chairman, Vice-Chairman or other Member of any Central or Joint or State Administrative Tribunal, or any other person authorised by such Chairman, Vice-Chairman or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Notes

This section provides for protection of the Central or State Government or the Vice-Chairman or other members of any Central or Joint or State Administrative Tribunal in respect of anything done in good faith in pursuance of this Act.

33. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Notes

This section is for giving overriding effect of the provisions of the legislation.

34. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Notes

This section empowers the Central Government to make suitable provisions for removing any difficulty in giving effect to the provisions of the legislation.

35. *Power of the Central Government to make rules.*—(1) The Central Government may, subject to the provisions of section 36, by notification make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the case or cases which shall be decided by a Bench composed of more than three Members under clause (d) of sub-section (4) of section 5;

(b) the procedure under sub-section (3) of section 9 for the investigation of misbehaviour or incapacity of Chairman, Vice-Chairman or other Member ;

(c) the salaries and allowances payable to, and the other terms and conditions of, the Chairman, Vice-Chairman and other Members ;

(d) the form in which an application may be made under section 19, the documents and other evidence by which such application shall be accompanied and the fees payable in respect of such application ;

(e) the rules subject to which a Tribunal shall have power to regulate its own procedure under sub-section (1) of section 22 and the additional matters in respect of which a Tribunal may exercise the powers of a civil court under clause (i) of sub-section (3) of that section ; and

(f) any other matter which may be prescribed or in respect of which rules are required to be made by the Central Government.

Notes

This section empowers the Central Government to make rules for various matters relating to procedures of the Tribunal, conditions of service of Chairman, Vice-Chairman and other Members, and similar other matters for the proper functioning of the Tribunal.

36. *Power of the appropriate Government to make rules.*—The appropriate Government may, by ntoification, make rules to provide for all or any of the following matters, namely :—

(a) the financial and administrative powers which the Chairman of a Tribunal may exercise over the principal Bench and the additional Benches of the Tribunal under section 12 ;

(b) the salaries and allowances and conditions of service of the officers and other employees of a Tribunal under sub-section (2) of section 13 ; and

(c) any other matter not being a matter specified in section 35 in respect of which rules are required to be made by the appropriate Government.

Notes

This section provides for the making of rules by the Central Government or a State Government as the case may be with regard to the various matters specified therein.

37. *Laying of rules.*—(1) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one seseion or in two or more successive sessions, and if, before the expiry of the session immediately follo-

wing the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both House agree that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

(2) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

THE CONSTITUTION (FIFTY SECOND AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President and was published in the *Gazette of India*, (*Ext.*), Part II, Section I, dated the 15th Ferbruary, 1985.

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of Indian as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Fifty-second Amendment) Act, 1985.

(2) It shall, come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 101.*—In article 101 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of article 102", the words, brackets and figures "clause (1) or clause (2) of article 102" shall be substituted.

3. *Amendment of article 102.*—In article 102 of the Constitution,—

(a) for the brackets, figure and words "(2) For the purposes of this article", the words "Explanation. For the purposes of this clause" shall be substituted ;

(b) the following clause shall be inserted at the end, namely :—

"(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule."

4 *Amendment of article 190.*—In article 190 of the Constitution, in sub-clause (a) of clause (3), for the words, brackets and figures "clause (1) of article 191", the words, brackets and figures "clause (1) or clause (2) of article 191" shall be substituted.

5. *Amendment of article 191.*—In article 191 of the Constitution —

(a) for the brackets, figure acd words "(2) For the purposes of this article", the words "Explanation.—For the purposes of this clause" shall be substituted ;

(b) the following clause shall be inserted at the end, namely :—

"(2) A person shall be disqualified for being a member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule."

6. *Addition of Tenth Schedule.*—After the Ninth Schedule to the Constitution, the following Schedule shall be added, namely :—

TENTH SCHEDULE

[Article 102(2) and 191(2)]

Provisions as to disqualification on ground of defection

1. *Interpretation.*—In this Schedule, unless the context otherwise re-

quires,—

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State ;

(b) "legislature party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or paragraph 3 or, as the case may be, paragraph 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions ;

(c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2.

(d) "paragraph" means a paragraph of his Schedule.

2. *Disqualification on ground of defection.*—(1) Subject to the provisions of paragraphs 3, 4 and 5 a member of a House belonging to any political party shall be disqualified for being a member of the House—

(a) if he has voluntarily given up his membership of such political party ; or

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.—For the purposes of this sub- paragraph,—

(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall,—

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which be becomes or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualfied for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being member of the House if he joins any political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,—

(i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph, (1) of this paragraph to have been elected as a member of such House as a candidate set up by such political party;

(ii) in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of the paragraph or, as the case may be, deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. *Disqualification on ground of defection not to apply in case of split.*—Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party,—

(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground—

(i) that he has voluntarily given up his membership of his original political party ; or

(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has been condoned by such party, person or authority within fifteen days from the date of such voting or abstention ; and

(b) from the time of such split, such faction shall be deemed to be the political party to which he belongs for the purpose of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this paragraph.

4. *Disqualification on ground of defection not to apply in case of merger.*—(1) A member of House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger ; or

(b) have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original poltical party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the member of the legislature party concerned have agreed to such merger.

5. *Exemption.*—Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative

Assembly of a State, shall not be disqualified under this Schedule,—

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party ; or

(b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election, rejoined such political party after he ceases to hold such office

6. *Decision on question as to disqualification on ground of defection.*—(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final :

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

7. *Bar of jurisdiction of courts.*—Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect, of any matter connected with the disqualification of a member of a House under this Schedule.

8 *Rules.*—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belongs ;

(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished ;

(c) the report which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished ; and

(d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two more successive sessions and

(b) In sub-rule (1) of rule 7 after the words "Chief Inspector" the words "/Dy. Chief Inspector" shall be inserted.

(c) In sub-rule (1) of rule 7 the expression "or a crossed cheque" and expression "or an invoice for book adjustment" shall be deleted.

(d) In sub-rule (1) of rule 7 in the existing proviso for the word "November" the word "February" and for the word "January" the word "April" shall be substituted.

(e) In sub-rule (1) of rule 7 the following new proviso shall be inserted, namely "Provided further that, if the period for which the licence is applied for is one year or more but does not exceed three years, the fees payable therefore per year shall be at the rate specified in Schedule A & B prescribed under rule 4."

(2) (a) In sub-rule (2) of rule 7 after the word "Chief Inspector" the words "/Dy. Chief Inspector" shall be inserted.

(b) In sub-rule (2) of rule 7 between the expression "renew the same" and expression "or may" the expression "for a period not exceeding three years at a time" shall be inserted.

(c) In sub-rule (2) of rule 7 before the existing proviso the following new proviso shall be inserted, namely :—

"Provided that if the period for which the licence is applied for is one year or more but does not exceed three years, the fees payable therefore per year shall be at the rates specified in the schedule A & B prescribed under rule 4."

(d) In the existing proviso of sub-section (2) of rule 7 between the word "prescribed" and the word "that" the word "further" shall be inserted.

(e) After sub-rule (2) of rule 7 a new sub-rule (3) shall be inserted, namely :—

"Every licence renewed under this rule shall remain in force upto 31st March of the year for which the licence is renewed."

6. (1) In rule 7 A under explanation the expression "or a cross cheque" and the expression "or an invoice for book adjustment" shall be deleted.

(2) After rule 7 A a new rule 7B shall be inserted, namely :—

"7B. *Revocation of licence.*—The Chief Inspector at any time before the expiry of the period for which the licence has been granted or renewed may revoke the licence on any of the grounds specified in sub-rule (1) of rule 5."

7 In sub-rule (3) of rule 8 for the word "Five" the word "Ten" shall be substituted.

8. In rule 10 the word "Five" wherever occurs shall be substituted be the word "Ten.".

9. In sub-rule (1) of rule 11 the expression "or by the crossed Cheque" shall be deleted.

10. In sub-rule (1) of rule 11-A for the word "October" the word "January" shall be substituted.

11. In sub-rule (5) of rule 57 A between the expression "over head travelling, and "Cranes, such that" expression "Floor operated cranes where rail hight is more than 14 feets or all cabin operated travelling" shall be inserted.

12. In rule 64-B for sub-clauses (1) and (2) of the clause (c) of sub-rule (2) the following shall be substituted.

"(1) In sub-clauses (1) of clause (c) of sub-rule (2) of rule 64-B for existing figures Rs. 1150-50-1650 the figures Rs. 1500-50-1800-60-2100-75-2250 shall be substituted.

(2) In sub-clause (2) of clause (c) of sub-rule (2) of rule 64-B for existing figures Rs. 750-50-1250 the figures Rs. 1000-30-1300-40-1500-50-1800-60-1860 shall be substituted."

13. In the rule 86,87,88, and 89 of the said rules the following shall be substituted, namely :—

"86. *Persons to hold position of Supervision or Management.*—The following persons shall be deemed to hold position of Supervision or management.

(a) All person specified in the Schedule annexed thereto.

(b) Any other person who in the opinion of the Chief Inspector holds a position of supervision or Management in a factory and is declared so in writing by him on application by the Manager of the Factory under such condition as may be imposed by the Chief Inspector :

Provided that the person so declared shall be drawing a salary of not less than Rs. 500/- per month inclusive of all allowances

SCHEDULE

List of persons to hold positions of supervision or management in Factories :—

I. All factories

1. Manager.
2. Assistant Manager.
3. Labour Cfficer.
4. Welfare Officer.
5. Departmental Heads and Assistants.
6. Engineers (including Assistant Engineers).
7. Head Store-Keepers.

Such boiler attendants who are in charge of battery of boilers and are only required to do the supervisory work.

8. Technical experts.
9. Head Electrician.

II· Engineering workshop

1. Foreman.
2. Inspectors.
3. Chargeman
4. Workshop overseers.

(In addition to persons in the list "I. All factories" above)

III. Spinning and Weaving Mills, Engineering Department.

1. Foreman Mechanics.

Spinning Deparrment

1. Jobbers of Muccadams.

(*Note.*—Spinning Department shall, for the purpose of this rule, be deemed to include also the blowing, carding, drawing and frame department).

Weaving Department

1. Jobbers, Overseers or Muccadams.

(Weaving Department shall, for the purpose of this rule be deemed to include preparatory department of winging, warping and sizing).

Dyeing, Bleaching, Folding, Calendering, Finishing and Cloth Printing Departments.

Jobbers overseers or Muccadams.

(In addition to person in the list "I. All Factories" above).

87. *Persons to hold confidential position.*—(1) Head time keeper employed in a factory shall be deemed to be employed in a Confidential position in the factory.

(2) Any other person who in the opinion of the Chief Inspector holds a confidential position in the Factory and is declared so in writing him, on application by the manager of the factory under such conditions as may be imposed by the Chief Inspector :

Provided that the persons so declared shall be drawing a salary of not less than Rs. 500/- per month inclusive of all allowances.

88. *List to be maintained of persons holding confidential position or supervision or management.*—A list showing the names, designation and nature of work of all such persons to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained in every factory and a copy thereof shall be sent to the Inspector.

89. *Exemption of certain adult workers.*—Adult workers engaged in factories specified in column 3 of schedule hereto aenexed on the work specified in column 4 of the said schedule shall be exempted from the provisions of the sections specified in column 5 of the said schedule subject to the conditions, if any, specified in column 6 of the said schedule :

Provided that :—

(1) No female adult worker shall be required or allowed to work for more than nine hours on any day except in the case of urgent repairs covered by item (i) of the said schedule and no male adult worker shall be required to allowed to work for more than ten hours on any day.

(2) No male adult worker shall be required or allowed to work in any quarter for more than fifty hours over time on weekly limits.

(3) Period of work for each male adult worker shall be so arranged that inclusive of his interval rest they shall not spread over more than twelve hours in any day :

Provided further that the restrictions imposed by sub-clause (2) and (3) shall not apply in the case of a shift worker engaged in factories specified against serial Nos. 9, 11 to 21, 23 to 34(i), 35(i), 43, 45 and 57(i) of the schedule and allowed to work in the whole or part of the subsequent shift in place of a worker who has failed to report for duty.

SCHEDULE

(omitted)

FORM NO. 74

(omitted.)

THE RAJASTHAN APPROPRIATION (NO. 4) ACT, 1985

The following Act was published in *the Rajasthan Gazette Ext*, Part 4 (Ka), dated July 30, 1985

ACT NO. 5 OF 1985

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the Services of the financial year 1985-86.

Be it enacted by the Rajasthan State Legislature in the Thirty-Sixth Year of the Republic of India, as follows :—

1 *Short title.*—This Act may be cited as **the Rajasthan Appropriation (No. 4) Act, 1985.**

(Text omitted)

THE RAJASTHAN SALES TAX (AMENDMENT) ACT, 1985

The following Act of the Rajasthan State Legislature received the assent of the Governor on 31st day of July, 1985 and was published *in the Rajasthan Gazette, Ext.*, Part IV (Ka), dated July 31, 1985.

ACT NO. 7 OF 1985

An Act further to amend the Rajasthan Sales Tax Act, 1954

Be it enacted by the Rajasthan State Legislature in the Thirty-Sixth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Rajasthan Sales Tax (Amendment) Act, 1985.**

(2) It shall come into force on the first day of August, 1985.

2. *Insertion of new section 5-H, Rajasthan Act 29 of 1954.*—After section 5-G of the Rajasthan Sales Tax Act, 1954 (Rajasthan Act 29 of 1954), the following new section 5-H shall be inserted, namely :—

"5-A *Levy of surcharge.*—(1) Notwithstanding anything to the contrary contained in this Act, there shall be paid by a dealer, whose turnover in an assessment year exceeds the sum of Rs. 75,000/- a surcharge at the rate of ten percent on the amount of tax payable by him under this Act :

Provided that the surcharge shall not be payable on the tax payable under this Act in respect of the goods declared by section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) to be of special importance in inter-state trade or commerce.

(2) The provisions of this Act shall, so far as may be, apply in relation to the surcharge payable under sub-section (1), as they apply to the tax payable under this Act."

THE RAJASTHAN LAND TAX ACT, 1985

The following Act of the Rajasthan Legislature received the assent of the Governor on the 13st day of July, 1985, and was published in the *Rajasthan Gazette, Ext.*, Part IV (Ka), dated August 1, 1985.

ACT NO. 6 OF 1985

An Act to provide for the imposition of tax on land in areas other than urban areas in the State of Rajasthan and the matters incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I
Preliminary

1. *Short title and commencement.*—(1) This Act may be called **the Rajasthan Land Tax Act, 1985.**

(2) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “annual value” means, in the case of land held or used in a year—

(i) for excavating, extracting, removing or utilising any ore or mineral, equal to the amount of the annual dead rent or half the amount of the royalty payable for the year with regard to such ore or mineral, whichever is higher;

Explanation.—For the purpose of determining the Annual Value, total area held or used by a lessee under more than one lease shall be considered as one area of land.

(ii) for growing collecting or receiving a forest or horticultural produce, 50% of the sale price of such produce of the year where such produce is sold during the year or of the average market price of such produce where such produce is not sold during the year ;

(iii) for the industrial or commercial purpose, 2% of the prevailing market value of such land on the first day of April where the year begins on that day and on the first day of April immediately precedings the year where the year begins on a day other than the first day of April ;

(iv) for any other purpose, 1% of the prevailing market value of the land on the first day of April where the year begins on that day and on the first day of April immediately precedings the year where the year begins on a day other than the first day of April;

(b) “Appellate authority” means the officer appointed as such by the State Government for any area by Notification in the Official Gazette ;

(c) “Assessing Authority” means the officer appointed as such by the State Government for any area by Notification in the official Gazette to make determination of annual value and assessment of tax under this Act ;

“dead rent” means the minimum guaranteed amount of royalty payable yearly by the lessee under the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the rules made thereunder or under an agreement for a mining lease ;

(e) “Director” means the officer appointed by the State Government to be the Director of Land Tax ;

(f) “forest produce” includes small timber, firwood, char-coal, bambos, edible and non-edible oil seeds, barks, flowers, fruits, leaves, grass, gum, tanning material and other minor forest products ;

(g) “land” means land held or used for—

(i) excavating, extracting, removing or utilising any ore or mineral ;

(ii) growing, collecting or receiving any forest or horticultural produce ;

(iii) any industrial or commercial purpose ; or

(iv) any other purpose—

but shall not include a land held or used exclusively for agricultural or residential purpose or a land situate in an urban area or in a notified area declared as such under section 313 of the Rajasthan Municipalites Act, 1959 (Rajasthan Act 38 of 1959) or an abadi land as defined in clause (b) of section 103 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) ;

(h) “Land holder” means a person who holds or uses land as its owner, tenant, lessee, licensee grantee or under any rights or contract or in any other capacity;

(i) "prescribed" means prescribed by the rules made under this Act ;

(j) "royalty" means the charge payable by the lessee to the State Government in respect of any ore or mineral excavated, extracted, removed or utilised from any land under the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) and the rules made thereunder ;

(k) "tax" means the tax on land payable under this Act ;

(l) "urban area" means the urban area as defined in the Rajasthan Lands and Buildings Tax Act, 1964 (Rajasthan Act 18 of 1964) ; and

(m) "year" means the twelve months ending on the thirty first day of March. or, if the accounts of a land holder have been made upto a date within the said twelve months in respect of a year ending on any date other than the thirty first day of March. then, the year ending on the date upto which his accounts have so been made up.

3. *Incidence of tax.*—Every land holder shall be liable to pay tax under this Act on the annual value of the land for every year or, as the case may be, part thereof during which such land is held or used by him.

4. *Exemptions.*—(1) No tax shall be payable under this Act on the land—

(a) owned by—

(i) the Central Government; or

(ii) the State Government or a local authority except where such land or a right connected therewith is leased out or otherwise given for its use to any person on payment or without payment; or

(b) held or used—

(i) as a wakf property;

(ii) by the Devasthan department of the State Government;

(iii) for public worship or public purpose;

(iv) for purposes connected with the disposal of dead bodies;

(v) by an educational institution solely for purposes of education; or

(vi) for public parks, public libraries or public museums.

(2) The State Government may, on being satisfied that it is necesary or expedient so to do in public interest, exempt, by Notification in the Official Gazette, any land or land-holder or class of lands or land-holders from the tax on such conditions as may be specified.

5. *Rate of tax.*—The tax payable by a land-holder shall be assessed at such rate, not exceeding 50% of the annual value, as may be specified by the State Government from time to time by Notification in the Official Gazette and different rates may be specified for lands held or used for different purposes.

CHAPTER—II

Registration, Returns and Assessment

6. *Registration of land holders.*—(1) Every land holder becoming liable to pay tax on or after the commencement of this Act shall, within 90 days of such commencement or, as the case may be, of his so becoming liable, make an application in the prescribed form to the Assessing Authority having jurisdiction and shall also make payment of fifty rupees as registration fee to the State Government.

(2) The Assessing Authority shall, on being satisfied that the land-holder making application and payment of registration fee may be regis-

tered, issue a certificate of registration to such land-holder in the form prescribed.

(3) The Assessing Authority may, upon information received from any person or upon his own knowledge, issue notice to any person to show cause as to why he may not be required to make application for registration.

7. *Returns.*—(1) Every land-holder registered under section 6 shall file with the Assessing Authority having jurisdiction returns for the prescribed period in such form and manner and within such time as may be prescribed and shall also pay tax on that part of the annual value estimated and disclosed in the return which is proportionate to the period covered by such return;

Provided that the said time may, on an application being made by the land holder and for sufficient reasons, be extended by a period not exceeding thirty days by the Assessing Authority :

Provided further that the State Government may, by Notification in the Official Gazette, require any land-holder or class of land-holders to pay tax at intervals shorter than those prescribed under this sub-section and in such a case tax shall be deposited at such intervals.

(2) Every return shall be accompanied by a treasury receipt or receipt of any scheduled Bank authorised to receive money on behalf of the State Government showing the deposit of the amount of tax calculated by the land holder for the prescribed period.

(3) On the discovery of any error or omission, a revised return for a prescribed period may be filed by a land-holder before the expiry of the time prescribed for filing of the next return.

(4) The amount of tax paid by a land-holder under sub-section (1) shall be provisional and subject to adjustment at the time of assessment.

8. *Provisional Assessment.*—Where a land-holder—

(a) fails to file prescribed return; or

(b) fails to deposit the amount of tax for any period; or

(c) files incorrect return; or

(d) evades or avoids the payment of tax for any period,—

the Assessing Authority may, after such enquiry as he considers necessary, proceed to provisionally assess to the best of his judgement the amount of tax payable by such land-holder for such period.

9. *Assessment.*—(1) After all the returns relating to a year have become due, the Assessing Authority shall, with regard to every land holder liable to pay tax for such year or part thereof, proceed to determine the annual value and assess the amount of tax.

(2) Where the returns filed by a land-holder appear to disclose the annual value correctly, the Assessing Authority may determine the annual value and assess the tax accordingly.

(3) The Assessing Authority may, on being satisfied—

(a) that no returns have been filed; or

(b) that returns showing incorrect annual value or the amount of tax have been filed; or

(c) that there are reasons to make enquiry,—

fix a date and require the land-holder to appear before him on such date and produce books of accounts and other evidence for assessment of tax.

(4) The Assessing Authority may issue summons to any person requiring him to appear for being examined or to produce any document in his possession for assessment of tax with regard to any land-holder.

(5) After recording the oral evidence, if any, and examining the books of accounts and other documents produced before him and making such enquiry as he considers, necessary, the Assessing Authority may—

(a) determine the annual value as assess the tax as disclosed by the land-holder ; or

(b) refuse to accept the annual value and disclosed by the land-holder and make determination of annual value and assessment of tax to the best of his judgment.

10. *Payment and recovery of tax, panalty interest or fee.*—(1) The Assessing Authority shall, after assessing the amount of tax, whether under section 8 or section 9 or, as the case may be, section 12, cause a demand notice to be served on the land-holder. Such notice shall specify the amount of tax payable by the land-holder and shall contain such particulars as may be prescribed.

(2) The amount of tax as specified in the demand notice referred to in sub-section (1) shall be payable by the land-holder within the time specified by such Authority or, where no such time is specified, within 30 days of the receipt of such notice.

(3) In default of the payment of tax payable under sub-section (1), the amount of tax shall be recoverable as an arrear of land revenue

(4) Notwithstanding anything contained in any other law for the time being in force, or any custom, usage or contract or any decree or order of a court or authority, the tax shall be a first charge upon the land.

(5) Where the land-holder is himself not the occupier of the land and makes a default in the payment of tax, such tax may be recovered from the occupier out of the rent or other sum which may fall due to the land-holder. The occupier shall be entitled to deduct the amount so paid from the amount of rent or other sum payable from time to time by him to the land-holder.

(6) Any penalty, interests or fees payable under this Act shall be deemed to be tax for the purpose of collection and recovery under this Act.

11 *Interest on failure to pay tax.*—(1) Where a land-holder liable to pay tax fails to make advance payment of the amount of tax at the time of filing prescribed returns or to make payment of the amount of tax assessed by the Assessing Authority, he shall be liable to pay interest on the amount of tax payable by him at the rate of 15 per cent per annum from the date on which payment of the amount of the tax became due upto the date of payment of such amount.

(2) Where the amount of tax payable by a land-holder is reduced in appeal by the Appellete Authority, the amount of interest shall be calculated on such reduced amount and the excess amount of interest, if any paid by the land-holder shall be refunded to him by the Assessing Authority.

THE GUJARAT HOUSING BOARD (AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th July, 1985 was published in the *Gujarat Government Gazette,* (*Ext*), Part IV dated July 9, 1985.

GUJARAT ACT NO. 8 OF 1985.

An Act further to amend the Gujarat Housing Board Act, 1961.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Gujarat Housing Board (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 1st December, 1982

2. *Amendment of section 7 of Gujarat XXVIII of 1961.*—In the Gujarat Housing Board Act, 1961, in section 7, after sub-section (1), the following sub-section shall be inserted, namely :—

"(1-A) For the purpose of clause (a) of sub-section (1), a person shall not be deemed to hold office or place of profit under the Board by reason only that he is a Housing Commissioner.".

3. *Repeal.*—Ths Gujarat Housing Board (Amendment) (Second) Ordinance, 1985 (Gujarat Ord. 8 of 1985), is hereby repealed.

THE GUJARAT RURAL HOUSING BOARD (AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th July, 1985 was published in the *Gujarat Government Gazette,* (*Ext,*), Part IV, dated July 9, 1985.

GUJARAT ACT NO. 9 OF 1985

An Act further to amend the Gujarat Rural Housing Board Act, 1972.

It it herby enacted in the Thirty-sixth Year of the Repablic of India as follows :—

1. *Short title and commencement* —(1) This Act may be called **the Gujarat Rural Housing Board (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 11th January, 1985.

2. *Amendment of section 5 of Gujarat 22 of 1972.*—In the Gujarat Rural Housing Board Act, 1972 (hereinafter referred to as "the principal Act"), in section 5, in sub-section (1), in the proviso, for the portion beginning with words "backward classes" and ending with the words "construction of buildings", the following shall be substituted, namely :—

"backward classes, two members shall be persons who possess technical knowledge and experience in the matter of construction of buildings one member shall be an officer of the Government and one member shall be the Rural Housing Commissioner.".

3. *Amendment of section 7 of Gujarat 22 of 1972.*—In the principal Act, in section 7,—

(1) in sub-section (1), in clause (a), the words "or the State Goverment" shall be deleted ;

(2) after sub-section (1) the following sub-section shall be inserted, namely :—

"(1A) For the purpose of clause (a) of sub-section (1), a person shall not be deemed to hold office or place of profit under the Board by reason only that he is a Housing Commitioner.".

4. *Repeal and savings.*—(1) The Gujarat Rural Housing Board (Amendment) (Second) Ordinance, 1985 (Gujarat Ord. 9 of 1985), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

THE GUJARAT APPROPRIATION ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 26th July, 1985 was published in the *Gujarat Government Gazette* (*Ext.*), Part IV, dated July 27, 1985.

GUJARAT ACT NO. 12 OF 1985

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the year ending on the Thirty first day of March, 1986.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Gujarat Appropriation Act, 1985**.

2. *Withdrawal of Rs. 19,20,87,08,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 1985-86.*—From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand nine hundred twenty crores, eighty seven lakhs and eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1985-86, in respect of the service and purposes specified in column 2 of the Schedule.

3. *Appropriation.*—The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE GUJARAT SCHEDULED CASTES DEVELOPMENT CORPORATION ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 10th July, 1985 was published in the *Gujarat Government Gazette* (*Ext.*), Part IV dated July 12, 1985.

GUJARAT ACT NO. 10 OF 1985

An Act to provide for the establishment of a Corporation for the advancement of Schedule Castes in the State of Gujarat and for matters connected there with.

It is hereby enacted in the Thirty-sixth year of the Republic of India as follows ;—

CHAPTER I

Preliminary.

1. *Short title extent and commencement.*—This Act may be called **the Gujarat Schedule Castes Development Corporation Act, 1985.**

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "agriculture" includes dairy farming, poultry farming, breeding of livestock, pisciculture, sericulture and forestry ; and the term "agricultural" shall be construed accordingly ;

(b) "Chairman" means the Chairman of the Corporation ;

(c) "Corporation" means the Gujarat Scheduled Castes Development Corporation established under section 3 ;

(d) "director" means a director of the Corporation and includes the Chairman ;

(e) "managing director" means a director appointed as managing director under sub-section (3) of section 5 ;

(f) "marketing" means all activities relating to the transport, grading pooling marketing and sale of agricultural or industrial produce, whether in the primary form on in semi-processed or processed form ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "processing" means all activities relating to the processing of agricultural produce or industrial produce so as to make it marketable or fit for consumption and it includes purchase and storage of raw material, purchase of equipment, and purchase, installation and running of machinery required for processing and storage of finished produce ;

(i) "regulation" means a regulation made under section 27 ;

(j) "Schedule Castes" means such castes or communities or parts of or groups within, such castes or communities as are deemed to be Scheduled Castes in relation to the State of Gujarat under article 341 of the Constitution of India ;

(k) "society" means a society registered under the Societies Registration Act, 1860, or a co-operative society registered under the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1960).

(l) "Scheduled Castes Organisation" means a firm registered under the Indian Partnership Act, 1932 (IX of 1932), or a society wherein all or a majority of the partners or, as the case may be, all or a majority of members whereof belong to Scheduled Castes.

Explanation.—Where a society (hereinafter referred to as "the principal society") has as its member another society (hereinafter referred to as the "member society") all or a majority of members of which belong to Scheduled Castes, such member society shall be deemed to be a member of the principal society belonging to Schedule Castes ;

(m) "small-scale industry" means cottage industry or an industry in which capital investment does not exceed such amount as may be prescribed ;

(n) "supply and storage" means supply and storage of agricultural or industrial inputs and establishment, maintanance and [running of storages, cold storages and warehouses.

CHAPTER II

Establishment and Constitution of the Corporation.

3. *Establishment and incorporation of Corporation.*—(1) For the purpose

of securing the uplift of Scheduled Castes in the State of Gujarat, the State Government may, by notification in the *Official Gazette*, establish a Corporation by the name of the Gujarat Scheduled Castes Development Corporation with effect from such date as may be specified in the notification.

(2) The Corporation shall be a body corporate, with perpetual succession and common seal and may sue and be sued in its corporate name and shall be competent to acquire, hold and dispose of property, both moveable and immoveable, and to contract and do all things necessary for the purposes this Act.

4. *Headquarters of Corporation.*—The headquarters of the Corporation shall be at Gandhinagar or at such other place as the State Government may, by notification in the *Official Gazette* specify.

5. *Constitution of Corporation.*—(1) The Corporation shall consist of not more than fifteen directors who shall be nominated by the State Government:

Provided that not less than three directors shall be official and the remaining directors shall be non-officials who shall be nominated from amongst persons who, in the opinion of the state Government, have special knowledge or practical experience in matters relating to agriculture, agro-industries. water development projects, finance, co-operation and socio-economic problems of Schedule Castes :

Provided further that not less than six non-official directors shall belong to the Scheduled Castes.

(2) The State Government shall appoint one of the directors as Chairman.

(3) The State Government shall appoint one of the official directors to be the managing director of the Corporation.

6. *Term of office and conditions of appointment of Director.*—(1) A director other than the managing director, shall hold office for a term of two years from the date of his nomination :

Provided that an outgoing director shall, notwithstanding the expiration of his term, continue to hold office until the nomination of his successor.

(2) An outgoing director shall be eligible for being renominated on the Corporation.

(3) Subject to the provision of this Act, the terms and conditions of the appointments of the directors other than the managing director and the fees and allowances payable to them shall be such as may be prescribed.

7. *Filling up casual vacancies.*—On the occurrence of any vacancy in the office of a director due to death, resignation or any other reason, the same shall be filled up by the State Government in the manner provided in section 5 and a person nominated as director to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor.

8. *Disqualification for office of director.*—A person shall be disqualified for being nominated as, and for being a director, if he—

(a) is, or at any time has been adjudicated insolvant or has suspended payment of his debts or has compounded with his creditors ; or

(b) is of unsound mind and stands so declared by a competent court ; or

(c) is, or has been, convicted or any offence which, in the opinion of the State Government, involves moral turpitude or convicted under the Protection of Civil Rights Act, 1955 (XXII of 1955), or

(d) is, or has been, removed or dismissed from the service of any State Government or the Central Government or a Corporation owned or controlled by any State Government or the Central Government.

9. *Director not to participate in certain cases.*—A director who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Corporation shall as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and the disclosure shall be recorded in the minutes of the Corporation and the director shall not take any part in any deliberation or decision of the Corporation with respect to that matter.

10. *Removal and resignation of director.*—(1) Notwithstanding anything contained in section 6, the State Government may, at any time, remove any director from office, if, in its opinion, such a director—

(a) is, or has become, subject to any disqualification mentioned in section 8;

(b) is absent without leave of the Corporation from more than three consecutive meetings thereof without cause sufficient, in the opinion of the Corporation, to exonerate his absence;

(c) has acted in contravention of the provisions of section 9; or

(d) has been guilty of misconduct in the discharge of his duties:

Provided that no order of removal shall be passed without giving the director a reasonoble opportunity of showing cause against the proposed order.

(2) A director may resign his office by giving notice thereof in writing to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.

11. *Managing Director.*—(1) The managing director shall be a whole time officer of the Corporation and shall—

(a) be the Chief Executive Officer of the Corporation,

(b) be responsible for the operational management of the Corporation and implementation of the general policy approved by the Corporation,

(c) perform such duties as the Corporation may, by regulations or otherwise, assign to him,

(d) receive such salary and allowances and be governed by such terms and conditions of service as may be approved by the State Government in consultation with the Corporation.

(2) If the managing director is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to take in his place during his absence.

12. *Officers and other employees of Corparation.*—(1) The Corporation may appoint such officer and other employees as it considers necessary for the efficient performance of its functions and determine, by regulation or otherwise, their conditions of appointment and service and the remunera-

tion payable to them.

(2) The Corporation may, by general or special order, delegate to the managing director or to any other officer or employee of the Corporation, subject to such conditions and limitations, if any, as may be specified such of its powers and duties under this Act, except the power to make regulations as it may deem necessary.

13. *Meeting of Corporation.*—(1) The Corporation shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be provided by regulations.

(2) The Chairman or, if for any reason he is unable to attend any meeting any other director elected by the directors present at the meeting, shall preside at the meeting of the Corporation.

(3) All the questions which come up before any meeting of the Corporation shall be decided by a majority of the votes of directors present and voting, and in the event of an equality of votes, the Chairman or, in his absence, the person presiding, shall have and exercise a second or casting vote.

14. (1) *Acts and proceedings presumed to be valid notwithstanding any defect.*—No act or proceeding of the Corporation shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in, the constitution of the Corporation.

(2) No act done by any person acting in good faith as a director shall be deemed to be invaild merely on the ground that he was disqualified to be director or that there was any other defect in his nomination.

15. *No disqualification in certain cases.*—No person shall be disqualified for being, chosen as, or for being, a member of the Legislative Assembly of the State by reason only of the fact that he is a Chairman or a director.

CHAPTER III

Functions and Powers of the Corporation

16. *Functions and Powers of Corporation*—(1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to undertake the task of social and economical uplift of the Scheduled Castes in the State of Gujarat, and the Corporation shall be competent to do all things and to exercise all the powers necessary for the performance of such duties.

(2) Without prejudice to the generality of the forgoing provision, such power of the Corporation shall include the power—

(i) to plan and promote, on its own or in collaboration with or through such Scheduled Castes or other agencies as may be approved by the Corporation, any programme of agricultural development, marketing, processing, supply and storage of agricultural produce, small-scale industry, building construction, transport and such other activities as may be approved in this behalf by the State Government ;

(ii) to undertake, on its own or in collaboration whether through such Scheduled Castes Organisations or other agencies as may be approved by the Corporation, any activity in relation to any of the matters specified in clause (i), for furthering the objects of the Corporation ;

(iii) to give on hire agricultural or industrial machinery or equipments to the members of the Scheduled Castes Organisations ;

(iv) to give grants and subsides to and to guarantee loans taken by the members of Scheduled Castes Organisations ;

(v) to encourage employment opportunities for the member of the Scheduled Castes ;

(vi) to undertake any other activity which the State Government may entrust to the Corporation ;

(vii) to grant loans or obtain covered loans to members of the Scheduled Castes ;

(viii) to borrow money subject to such conditions as the State Government may specify ;

(ix) to issue bonds and debentures ;

(x) to draw, make, accept endorse, discount, execute and issue promissory notes, bills of exchange, hundis, bills, warrants. debentures and other negotiable instruments :

(xi) to invest or deposit surplus funds of the Corporation in Government securities or in such other manner as the State Government may, by general or special order, direct ; and

(xii) to discharge such other functions as may be specified or as are supplemental, incidental or consequential to any of the functions conferred on it by or under this Act.

CHAPTER IV

Finance. Accounts and Audit

17. *State Government to provide Initial Capital.*—(1) The State Government may provide to the Corporation such sum not exceediug ten crores of rupees as the State Government may think fit as capital that may be required by the Corporation for the purpose of carrying out its functions :

Provided that where the capital initially provided is less than ten crores of rupees the State Government may, from time to time, increase the capital to sum not exceeding ten crores of rupees.

(2) Such capital may be provided subject to such terms and conditions as may be determined by the State Government.

(3) The capital so provided shall form part of the fund of the Corporation.

18. *Fund of Corporation.*—(1) The Corporation shall have its own fund.

(2) The Corporation may eccept grants, subventions, donations and gifts from the Central or the State Government or a local authority or any individual or body of individuals whether incorporated or not, for all or any of the purposes of this Act.

(3) All sums which may from time to time be paid to it by the State Government and all other receipts of the Corporation shall be carried to the fund of the Corporation and all payments by the Corporation shall be therefrom.

(4) The Corporation may spend such sums as it thinks fit for the performance of its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Corporation.

(5) All moneys belonging to the fund of the Corporation shall be deposited in such bank or invested in Government Securities or in such other manner as the State Government may, by general or special order, direct.

19. *Accounts.*—(1) The balance-sheet and accounts of the Corporation shall be prepared and maintained in such form and manner as may be prescribed.

(2) The Corporation shall cause books of accounts of the Corporation to be balanced and closed on the thirty first day of March every year.

20. *Audit.*—(1) The accounts of the Corporation shall be audited once in every financial year, by auditors, duly qualified to act as auditors under sub-section (1) of section 226 of the Companies Act, 1956, who shall be appointed by the Corporation and shall receive such remuneration from the Corporation as the Corporation may fix.

(2) The auditors shall be supplied with a copy of the annual balance sheet and the income and expenditure account of the Corporation and it shall be the duty of the auditors to examine them together with the accounts and vouchers relating thereto and they shall have a list delivered to them of all books kept by the Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Corporation and may require from any director or officer of the Corporation such information as they may think necessary for the performance of their duties as auditors.

(3) The auditors shall make a report to the Corporation upon the annual balance-sheet and accounts examined by them and in every such report shall state whether in their opinion, the balance sheet is a full and fair balance-sheet containing necessary particulars and properly drawn up so as to exhibit a true and fair view of the State of affairs of the Corporation.

(4) The Corporation shall furnsih to the State Government a copy of its balance-sheet and accounts together with a copy of the report made by auditors under sub-section (3) and a report on the working of the Corporation during the relevant period, within four months from the date on which its accounts are closed and balanced.

(5) Copies of the reports referred to in sub-section (4) shall be laid by the State Government, as soon as may be, before the State Legislature.

CHAPTER V

Miscellaneous

21. *Advisory Committee.*—(1) The State Government may from time to time constitute an Advisory Committee consisting of such nmber of persons as it may think fit and on such terms and conditions as may be prescribed.

(2) The Corporation may, if it thinks fit, consult the Advisory Committee on any business coming before it and shall do so in respect of such business as the State Government may, by general or special order in this behalf, specify or when required by the regulations so to do.

(3) The Advisory Committee shall meet at such intervals as may be prescribed and for the transaction of urgent business on such other occasions as the Chairman of the Corporation may require.

(4) The number of members necessary to constitute a quorum at a meeting of the Advisory Committee shall be such as the State Government may when constituting the Committee specify.

22. *Recovery of money due to Corporation.*—(1) Where any amount is due to the Corporation from any person in respect of advance or other financial accommodation granted by it, such amount shall, on a certificate

being granted by the managing director in the prescribed form, be recoverable as arears of land revenue by the Collector of the district in which the person from whom the amount is due resides or carries on business or owns any property.

(2) Before issuing the certificate referred to in sub-section (1), the managing director shall make an application to such officer, as may be empowered by the State Government in this behalf and that officer shall, after giving an opportunity of being heard to the person concerned and after such further enquiry as he may consider necessary, for an order determine the amount due to the Corporation and communicate the same to the managing director.

(3) An appeal against an order passed by the officer empowered under sub-section (2) shall lie within such period and to such authority as may be prescribed.

(4) The officer empowered under sub-section (2) and the appellate authority shall follow such procedure as may be prescribed.

(5) The certificate issued by managing director under sub-section (1) shall be final and conclusive and shall not be called in question before any authority or court.

(6) For the purpose of recovering any amount due to the Corporation in respect of a loan it shall not be necessary to proceed against the principal before proceeding against his surety.

23. *Dissolution.*—(1) No provision of law, other than this Act, relating to the winding up, dissolution or liquidation of the companies or corporations shall apply to the Corporation.

(2) The State Government may, if the Corporation fails to carry out its functions or exceeds its powers, or upon a receipt of a report under section 20, call upon the Corporation to show cause why it should not be dissolved and if no explanation is offered within the specified period or if the State Government is not satisfied with the explanation, the State Government may dissolve she Corporation from such date as may be specified.

24. *Consequence of dissolution of Corporation.*—(1) When the Corporation is dissolved under section 23,—

(i) all directors shall, from the date of dissolution, vacate their offices,

(ii) all powers and duties of the Corporation shall, during the period of dissolution, be exercised and performed by such persons as the State Government may appointed in this behalf.

(iii) all funds and other property vested in the Corporation shall, during the period of disolution, vest in the State Government,

(2) The State Government may reconstitute the Corporation after such period as it may think fit.

25. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the Corporation or any director including the managing director, or any officer or other employee or any other person authorised by the Corporation to discharge any functions under this Act, for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done by him in pursuance of this Act.

26. *Indemnity to directors.*—(1) Every director shall be indemnified against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for the acts of any other director or for the acts of any officer or other employee of the Corporation or for any loss or expenses resulting to the Corporation by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Corporation in good faith, or by the insolvency or wrongful act of any debtor or any person under obligation to the Corporation, or anything done in good faith, in the execution of the duties of his office or in relation thereto.

27. *Power of Corporation to make regulations.*—(1) The Corporation may make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provisions is necessary or expendient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations, may provide for all or any of the following matters, namely :—

(a) the time and places of meetings of the Corporation and the procedure to be followed in relation to such meetings including the quorum necessary for the transaction of business ;

(b) duties which the managing director shall perform

(c) the duties, conduct, salaries, allowances and conditions of service of officers and other employees of the Corporation ;

(d) the delegation of powers and functions to the officers and other employees of the Corporation ;

(e) the establishment and maintanance of provident and other benefit funds for the officers and employees of the Corporation ;

(f) any other matter which is, or may be, necessary for the efficient conduct of the affairs of the Corporation.

28. *Power of State Government to make rules.*—(1) The State Government may, by notification published in the *Official Gazette*, make rules to carry out all or any of the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the terms and conditions of service of the directors and the fees and allowances payable to them ;

(b) functions, in addition to those specified in sub-section (2) of section 16, to be discharged by the Corporation and the conditions and restrictions subject to which those functions shall be discharged ;

(c) the form and manner in which accounts shall be maintained and the balance-sheet and income and expenditure accounts shall be prepared ;

(d) the form in which certificate shall be issued by the managing director, the period within which and the authority before whom an appeal shall be filed, and the procedure to be followed by the appeallate authority under section 22 ;

(e) any other matter which is required to be, or may be, prescribed.

(3) All rules made made under this section shall be laid for not

less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon, take effect.

THE GUJARAT BACKWARD CLASSES DEVELOPMENT CORPORATION ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 20th July, 1985 was published in *the Gujarat Govt. Gazette*, (*Ext.*), part IV dated July 24, 1985.

GUJARAT ACT NO. 11 OF 1985

An Act to provide for the establishment of a Corporation for the advancement of the socially and educationally backward class citizens in the State of Gujarat and for matters connected therewith.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called **the Gujarat Backward Classes Development Corporation Act, 1985**.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "agriculture" includes dairy farming, poultry farming, breeding of livestock, pisciculture, sericulture and forestry ; and the term "agricultural" shall be construed accordingly ;

(b) "socially and educationally backward class citizen" means a citizen belonging to any socially and educationally backward class specified in the Schedule ;

(c) "bakward class organisation", means a firm registered under the Indian Partnership Act, 1932 (IX of 1932), or a society, wherein all or a majority of partners or, as the case may be, all or a majority of members of such society, are socially and educationally backward class citizens.

Explanation.—Where a society (hereinafter referred to as "the principal society") has as its member another society (hereinafter referred to as "the member society") and all or a majority of members of such society are socially and educationally backward class citizens such member society shall be deemed to be a member of the principal society belonging to socially and educationally backward class citizens ;

(d) "Chairman" means the Chairman of the Corporation ;

(e) "citizen" means citizen of India ;

(f) "Corporation" means the Gujarat Backward Classes Development Corporation established under section 4 ;

(g) "director" means a director of the Corporation and includes the Chairman ;

(h) "Managing director" means a director appointed as managing director under sub-section (3) of section 6 ;

(i) "marketing" means all activities relating to the transport, grading. pooling, marketing and sale of agricultural or industrial produce, whether in the primary form or in semi-processed or processed form ;

(j) "prescribed" means prescribed by rules made under this Act.

(k) "processing" means all activities relating to the processing of agricultural produce or industrial product so as to make it marketable or fit for consumption and it includes purchase and storage of raw material, purchase of equipment, and purchase, installation and running of machinery required for processing and storage of finished produce ;

(l) "regulation" means a regulation made under section 28 ;

(m) "small scale industry" means a cottage industry or an industry in which capital investment does not exceed such amount as may be prescribed ;

(n) "society" means a society registered under the Societies Registration Act, 1860 (XXI of 1860), or a co-operative society registered or deemed to be registered under the Gujarat Co-operative Societies Act, 1961 (Guj X of 1962).

(o) "supply and storage" means supply and storage of agricultural inputs and establishment, maintenance and running of storages, cold storages and warehauses.

CHAPTER II

Establishment and Constitution of the Corporation.

3. *Power of State Government to add to Schedule.*—(1) The State Government may, by notification in the Official Gazette, add to the Schedule any class which in its opinion is a socially and educationally backward class and thereupon the class so added shall be deemed to be socially and educationally backward class specified in the Schedule for the purposes of this Act.

(2) Every notification issued under sub-section (1) shall be laid for not less than thirty days before the State Legislature as soon as possible after it is issued and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which it is so laid-or the session immediately following. Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

4. *Establishment and incorporation of Corporation.*—(1) For the purpose of securing the uplift of backward class citizens in the State of Gujarat the State Government may, by notification in the Official Gazette, establish a Corporation by the name of the Gujarat Backward Classes Development Corporation with effect from such date as may be specified in the notification.

(2) The Corporation shall be a body corporate with perpectual succession and common seal and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

5. *Headquarters of Corporation.*—The headquarters of the Corporation shall be at Gandhinagar or at such other place as the State Government may, by notification in the Official Gazette. specify.

6. *Constitution of Corporation.*—(1) The Corporation shall consist of not more than fifteen directors who shall be nominated by the State Government :

Provided that not less than three directors shall be officials and the remaining directors shall be non-officials who shall be nominated from amongst persons who, in the opinion of the State Government, have special knowledge or practical experience in matters relating to agriculture, agro-industries, water development projects, finance, co-operation and socio-economic problems of socially and educationally backward class citizens :

Provided further that not less than six directors shall be socially and educationally backward class citizens.

(2) The State Government shall appoint one of the directors as Chairman.

(3) The State Government shall appoint one of the official directors to be the managing director of the Corporation.

7. *Term of office and conditions of appointments of directors.*—(1) A director, other than the managing director, shall hold office for a term of two years from the date of his nomination :

Provided that an outgoing director shall, notwithstanding the expiration of his term, continue to hold office until the nomination of his successor.

(2) An outgoing director shall be eligible for being renominated on the Corporation.

(3) Subject to the provisions of this Act, the terms and conditions of the appointment of the directors other than the managing director and the fees and allowances payable to them shall be such as may be prescribed.

8. *Filling up casual vacancies.*—On the occurrence of any vacancy in the office of a director due to death, resignation or any other reason, the same shall be filed up by the State Government in the manner provided in section 6 and a person nominated as director to fill such vacancy shall hold office for the unexpired portion of the term of his predecessor.

9. *Disqualifications for office of director.*—A person shall be disqualified for being nominated as, and for being, a director, if he—

(a) is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors ; or

(b) is of sound mind and stands so declared by a competent court ; or

(c) is, or has been, convicted of any offence which, in the opinion of the State Government, involves moral turpitude or convicted under Protection of Civil Rights Act, 1955 (XXII of 1955) ; or

(d) is, or has been, removed or dismissed from the service of any State Government or the Central Government or a Corporation owned or controlled by any State Government or the Central Government.

10. *Director not to participate in certain Cases.*—A director who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Corporation shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and the disclosure shall be recorded in the minutes of the Corporation and the director shall not take any part in any deliberation or decision of the Corporation with respect to

that matter.

11. *Removal and resignation of director.*—(1) Notwithstanding anything contained in section 7, the State-Government may, at any time, remove any director form office, if, in its opinion, such a director—

(a) is, or has become, subject to any disqualification mentioned in section 9 ;

(b) is absent without leave of the Corporation from more than consecutive meetings thereof without cause suffcient, in the opinion of the Corporation, to exonerate his absence ;

(c) has acted in contravention of the provisions of section 10 ; or

(d) has been guilty of misconduct in the discharge of his duties :

Provided that no order of removal shall be passed without giving the director a reasonable opportunity of showing cause against the proposed order.

(2) A director may resign his office by giving notice thereof in writing to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.

12. *Managing director.*—(1) The managing director shall be a whole time officer of the Corporation and shall—

(a) be the Chief Executive Officer of the Corporation,

(b) be responsible for the operational management of the Corporation and implementation of the general policy approved by the Corporation,

(c) perform such duties as the Corporation may, by regulations or otherwise, assign to him,

(d) receive such salary and allowances and be governed by such terms and conditions of service as may be approved by the State Government is consultation with the Corporation.

(2) If the managing director is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment the State Government may appoint another person to act in his place during his absence.

13. *Officers and other employees of Corporation.*—(1) The Corporation may appoint such officers and other employees as it considers necessary for the efficient performance of its functions and determine by regulations or otherwise their conditions of appointment and service and the remuneration payable to them.

(2) The Corporation may, by general or special order, delegate to the managing director or to any other officer or employee of the Corporation, subject to such conditions and limitations, if any, as may be specified, such of it powers and duties under this Act except the power to make regulations, as it may deem necessary.

14. *Meetings of Corporation.*—(1) The Corporation shall meet at such time and place and shall observe such rule of procedure in regard to the transaction of business at its meetings (including the quorum at such meeting) as may be provided by regulations.

(2) The Chairman, or, if for any reasons he is unable to attend any meeting, any other director elected by the directors present at the meeting, shall preside at the meeting of the Corporation.

(3) All the questions which come up before any meeting of the Corporation shall be decided by a majority of the votes of directors pre-

sent and voting, and in the event of an equality of votes, the Chairman, or, in his absence, the person presiding, shall have and exercise a second or casting vote.

15. *Acts and proceedings presumed to be valid notwithstanding any defect.*—(1) No act or proceeding of the Corporation shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in, the constitution of the Corporation.

(2) No act done by any person acting in good faith as a director shall be deemed to be invalid merely on the ground that he was disqualified to be a director or that there was any other defect in his nomination.

16. *No disqualification in certain cases.*—No person shall be disqualified for being chosen as, or being, a member of the Legislative Assembly of the State by reason only of the fact that he is a Chairman or a director.

CHAPTER III

Functions and Powers of the Corporation

17. *Functions and Powers of the Corporation.*—(1) Subject to the provisions of this Act, it shall be the primary duty of the Corporation to undertake the task of social and economic uplift of the socially and eductionally backward class citizens in the State of Gujarat and the Corporation shall be competent to do all things and to exercise all the powers necessary for the performance of such duties.

(2) Without prejudice to the generality of the foregoing provisions, such power of the Corporation shall include the power—

(i) to plan and promote, on its own or in collaboration with or through such backward class organisations or other agencies as may be approved by the Corporation, any programme of agricultral development, marketing, processing, supply and storage of agricultural produce, small scale industry, building construction, transport and such other activities as may be approved in this behalf by the State Government ;

(ii) to undertake, on its own or in collaboration with or through such backward class organisations or other agencies as may be approved by the Corporation, any activities in relation to any of the matters specified in clause (i), for furthering the objects of the Corporation ;

(iii) to give on hire agricultural or industrial machinery or equipments to the members of the backward class organisations ;

(iv) to give grants and subsidies to, and to guarantee loans taken by the members of backward class organisations ;

(v) to encourage employment opportunities for the backward class citizens ;

(vi) to undertake any other activity which the State Government may entrust to the Corporation ;

(vii) to grant loans or obtain covered loans to the socially and eductionally backward class citizens or backward class organisation ;

(viii) to borrow money subject to such conditions as the State Government may specify ;

(ix) to issue bonds and debentures ;

(x) to draw, make, accept, endorse, discount, execute and issue promissary notes, bills of exchange, hundies, bills, warrants, debentures and other negotiable instruments ;

(xi) to invest or deposit surplus funds of the Corporation in Government securities or in such other manner as the State Government may, by general or special order, direct ; and

(xii) to discharge such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions conferred on it by or under this Act.

CHAPTER IV

Finance, Accounts and Audit

18. *State Government to proviniiial capital.*—The State Government may provide to the Corporation such sum not exceeding five crores of rupees as the State Government may think fit as capital that may be required by the Corporation for the purpose of carrying out its functions :

Provided that where the capital initially providedis less than five crores of rupees the State Government may, from time to time, increase the capital to sum not exceeding five crores of rupees.

(2) Such capital may be provided subject to such terms and conditions as may be determined by the State Government.

(3) The capital so provided shall form part of the fund of the Corporation.

19. *Fund of Corporation.*—(1) The Corporation shall have its own fund.

(2) The Corporation may accept grants, subventions and donations and gifts from the Central or State Government or a local authority or any individual or body of individuals whether incorporated or not, for all or any of the purposes of this Act.

(3) All sums which may from time to time be paid to it by the State Government and all other receipts of the Corporation shall be carried to the fund of the Corporation and all payments by the Corporation shall be made therefrom.

(4) The Corporation may spend such sums as it thinks fit for the performance of its functions under this Act, and such sums shall be treated as expenditure payable out of the funds of the Corporation.

(5) All moneys belonging to the fund of the Corporation shall be deposited in such bank or invested in Government securities or in such other manner as the State Government may, by general or special order, direct.

20 *Accounts.*—(1) The balance-sheet and accounts of the Corporation shall be prepared and maintained in such form and manner as may be prescribed.

(2) The Corporation shall cause books of accounts of the Corporation to be balanced and closed on the thirty-first day of March, every year.

21. *Audit.*—(1) The accounts of the Corparation shall be audited once in every financial year, by auditors duly qualified to act as auditors under under sub-section (1) of section 226 of the Companies Act, 1956 (1 of 1956), who shall be appointed by the Corporation and shall receive such renumeration from the Corporation as the Corporation may fix.

(2) The auditors shall be supplied with a copy of the annual balance sheet and the income and expenditure account of the Corporation and it shall be duty of the auditors to examine them together with the accounts and vouchers relating thereto and they shall have a list delivered to them

the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985 (Maharashtra Ordinance VI of 1985), shall be, and shall be deemed always to have been valid and effective in accordance with law; and no such declaration shall be called in question in any court of law merely on the ground that the provisions of sections 13 and 14 of the Principal Act have not been complied with, in part or in whole, or that an opportunity of being heard was not given to the persons affected by such declaration or that no further enquiry was made by the State Government, before making such declaration.

(2) Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court,—

(a) no acquisition of land or right in or over land or purporting to have been made under, and for the purposes of, the principal Act before the commencement of the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985 (Mah. Ord. VI of 1985) and no action taken or thing done (including any order made, agreement entered into or any notice or notification published) in connection with such acquisition and the grant or distribution of such land for resettlement of any displaced person shall be deemed to be invalid, or ever to have become invalid merely on the ground—

(i) that before making the final declaration under section 15 of the principal Act, the provisions of sections 13 and 14 of the principal Act have not been complied with, in part or in whole, or that an opportunity of being heard was not given to the persons affected by such declaration, or that no further enquiry was made by the State Government ; and

(ii) that before or after publishing any notification in connection with the acquisition of land for the purposes of the principal Act in accordance with the provisions of section 16 of the Principal Act and the Land Acquisition Act, 1894 (I of 1894), the provisions of sections 19, 20, 21 or any other provisions of the principal Act, have not been complied with, in part or in whole ;

(b) any acquisition in pursuance of notification issued under the provisions of section 16 of the principal Act and the Land Acquisition Act, 1894 (I of 1894), before the commencement of the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985 (Mah. Ord. VI of 1985) may be made after such commencement and no such acquisition and no action taken or thing done (including any order made, agreement entered into or notice or notification published or grant or distribution of such land made for resettlement of displaced persons) whether before or after such commencement in connection with such acquisition or grant or distribution of land shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them ;

(c) no suit or legal proceeding shall be maintained or continued in any court on the grounds referred to in clause (a) or any of them.

STATEMENT

The Maharashtra Resettlement of Project Displaced Persons Act, 1976 (Mah. XLI of 1976) has been enacted to provide for the ressettlement of certain persons displaced from lands which are acquired for projects of public utility and for matters connected therewith. The scheme of the Act relevant to the proposals for resettlement of the displaced persons and the acquisition of the land for projects of public utility, in short, is as under :—

Section 10 contemplates resettling of displaced persons on the land, both in the benefited zone of project and outside, which, after acquisition forms part of the "land pool", as defined under section 2(II) of the Act. Any project proposed to be brought within the scheme of the Act is first to be notified under section 11, whereupon the restriction referred to in section 12, on transfer, etc., of lands in the villages notified under section 11 become operative. Section 13 requires the Resettlement Officer to make an assessment of the extent of land from which persons have been displaced and the extent of land available for Resettlement and also collect certain information in connection with the resettlement scheme. On receipt of the assessment under section 13 the State Government makes a provisional declaration under section 14 of the affected and benefited area under the project. Section 15 provides for making final declaration of the affected and benefited zones. Section 16 provides for the acquisition of land required for the purposes of the Act, and all lands so acquired constitute the "land pool". Section 19 requires publication of a public of notice calling upon the displaced persons to state if they want land for resettlement. Section 20 requires preparation of a draft scheme for resettlement and section 21 requires publication of the scheme of resettlement and sanctioning of the said scheme.

2. In writ Petition No. 2407 of 1980—Gulab Shanker Walve *versus* the Special Land Acquisition Officer and Another, decided together with other six allied petitions the High Court of Bombay, by its judgment dated 24th November 1980, held that the powers of acquisition of land under section 16 (2) and the mechanism of the Land Acquisition Act, 1984 cannot be invoked unless there is compliance of the procedure laid down under sections 13 to 15 and as there was failure in compliance with this procedure in respect of the land acquired for the Upper Pravara Project the High Court quashed the acquisition proceedings in those seven writ petitions. In respect of acquisition of land from the benefited zoner of the Warna and Dudhganga Projects which have be notified under the Act 101 writ petition were filed challenging the issue of notifications under sections 4 & 6 of the land Acquisition Act 1894 on the grounds *inter alia* that the provisions of sections 13 to 15 have not been followed strictly. The omission in these cases included the failure on the part of the Government to give a hearing to the concerned persons under section 15 of the Act. In those petitions Government gave an undertaking to the effect that the notifications issued under sections 4 and 6 of the Land Acquisition Act and those issued under sections 14 and 15 of the Maharashtra Resettlement of Project Displaced Persons Act would be withdrawn and thereupon the court allowed the withdrawal of the Petitions. It is apprehended that many more writ petitions will be filed on the same ground and also on the ground that while granting or distributing the lands to the project displaced person the procedure of giving public notice or for preparing schemes and publication thereof under sections 19 to 21 has not been followed which would seriously jeopardise the actions taken so far to acquire lands for carrying out the purposes of the Act. Although the State Government did not give personal hearing to the persons concerned the final declaration under section 15 have been made after considering the re-

port of the Collector and Deputy Director of Resettlement of (Land) in respect of the objections or suggestions if any, received by him and further proceedings for acquisition of the lands covered by the areas included in the final declaration made under section 15 were initiated (and in some case completed) only after satisfaction of the State Government that the lands acquired or to be acquired are needed for carrying out the purpose of the Act.

3. Large area of lands acquired for these projects constitute submergence area and certain areas of such lands have been constituting the area of lands which are already granted or distributed to the project displaced persons Such position is also obtaining in respect of the other projects notified under the Act. If at this stage the acquisition proceedings are either quashed or the notifications in respect thereof are withdrawn, the lands which are acquired and vest in Government will have to be returned back to the owners thereof. In large number of cases it will not be possible at all to return such lands as they are either submerged or are put to use for resettlement of project displaced persons. This will not only retard the development activities but will also result into huge expenditure over again which will not be in the public interest.

4. Government, therefore, considers it expedient to simplify and streamline with retrospective effect, the procedure under sections 14 and 15 for making declarations thereunder, and also to provide for validation of the final declaration made under section 15, the land acquired or is in the process of the Act and the acts, etc., done in connection with acquisition of lands and their grant or distribution for the purpose of the resettlement of the project displaced persons and for that purpose to immediately amend the Act suitably.

5 As both Houses of the State Legislature are not in session and it is necessary to take immediate action to amend the Maharashtra Resettlement of Project Displaced Persons Act, 1976, for the reasons stated above this Ordinance is promulgated.

K. PRABHAKARA RAO,
Dated the 11th June, 1985. Governor of Maharashtra.

THE MAHRASHTRA CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 29th June, 1985, was published in *the Maharashtra Govt. Gazette, (Ext),* Part IV, dated June 29. 1985

MAHARASHTRA ACT NO. IX OF 1985

An Act further to amend the Maharashtra Co-operative Societies Act, 1960.

Whereas it is expedient further to amend the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), for the purpose hereinafter appearing ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Maharashtra Co-operative Societies (Amendment) Act, 1985.**

2. *Amendment of section 18C of Mah. XXIV of 1961.*—In section 18C of the Maharashtra Co-operative Societies Act, 1960(Mah. XXIV of 1961), in sub-section (2), to clause (e), the following proviso shall be added,

namely :—

"Provided that the period of two years may be extended by the State Government from time to time, so however that the total period does not exceed three years in the aggregate".

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMATIS (AMENDMENT) ACT, 1984

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 9th July 1985, was published in *the Maharashtra Govt. Gazette. (Ext.)*, Part IV, dated July 9, 1985.

MAHARASHTRA ACT NO. X OF 1985.

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), for the purposes hereinafter appearing; It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1984**.

(2) It shall be deemed to have come into force on the 17th day of October 1984.

2. *Amendment of section 46 of Mah. V of 1962.*—In section 46 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1952), (hereinafter referred to as "the principal Act"), in "the sub-section (1), for the word "seven hundred rupees" the words "one thousand and five hundred rupees" shall be substituted.

3. *Insertion of section 47A in Mah. V of 1962.*—After section 47 of the principal Act, the following section shall be inserted, namely :—

"47A. *Honorarium, other facilities including leave of absence to Vice-President and consequential provisions.*—(1) Subject to the provisions of sub-section (5), there shall be paid to the Vice-President an honorarium of one thousand and two hundred rupees per month.

(2) The Vice-President may be provided without payment of rent the use of furnished residential accommodation or subject to such rules as the State Government may make in this behalf, such house rent allowance in lieu thereof as may be deemed suitable by the *Zilla Parishad*, and shall be given such travelling and other allowances as may be prescribed by the State Government.

(3) The Vice-President shall not be disqualified for being chosen as, or for being, a Councillor or a member of any committee by reason only that he is in receipt of an honorarium or of any allowances or amenities under this section.

(4) The Vice-President may remain absent for a period not exceeding thirty days in a year without permission, and he may be granted leave of absence for a period exceeding thirty days and not exceeding ninety days in a year in the aggregate by the Standing Committee and for any period exceeding ninety days by the State Government; but no leave exceeding one hundred and eighty days in any one year shall be granted.

(5) The Vice-President shall not be entitled—

(a) to any honorarium during any period of absence exceeding thirty days in a year under sub-section (4) ; and

(b) to any honorarium, allowances or other facilities including leave of absence, also as the Chairman of any of the Committees.

(6) Nothing in clause (a) of sub-section (5) shall apply when a Vice-President is absent for a period not exceeding ninety days during his term of office on ground of illness duly certified by such medical authority as the State Government may specify in this behalf.

Explanation.—For the removal of doubt it is hereby declared that the rules, if any, in force immediately before the 17th day of October 1984 in respect of the matters referred to in sub-section (2) as applicable to the Chairmen of the Committees shall continue to apply to the Vice-President until fresh rules are made in that behalf".

4 *Amendment of section 69 of Mah V of 1962.*—In section 69 of the principal Act, in sub-section (1), for the words "five hundred rupees and two hundred and fifty rupees" the words "one thousand rupees and eight hundredrupees"shall be substituted-

5. *Amendment of section 84 of Mah. V of 1962.*—In section 84 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Subject to the provisions of section 85, each of the Chairmen (other than the Vice-President) referred to in section 83 shall get a consolidated honorarium of one thousand rupees per month." ;

(b) in sub-section (2), the portion beginning with the words "The Vice-President shall be" and ending with the words "elected as Vice-President." shall be delsted.

6. *Amendment of section 274 of Mah. V of 1962.*—In section 274 of the principal Act, in sub-section (2),—

(a) in clause (viii-a) after the word and figures "sections 46," the figures and letter "47," shall be inserted ;

(b) for clause (ix), the following clause shall be substituted, namely :—

"(ix) under sub-section (2) of section 46 and under sub-section (2) of section 47A, the travelling and other allowances to be given to the President and the Vice-President ;",.

THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMATIES (AMENDMENT) ACT, 1985

The following Act of the Maharashtra Legislature. having been assented to by the Governor on the 9th July 1985, was published in the *Maharashtra Government Gazette, Extra.* Part IV, dated 9th July, 1985.

MAHARASHTRA ACT NO. XI OF 1985

An Act further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

Whereas it is expedient further to amend the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), for the purposes hereinafter appearing ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1985.**

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. *Substitution of sections 125 and 126 of Mah. V of 1962.*—For sections 125 and 126 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), (hereinafter referred to as "the principal Act"), the following sections shall be substituted, namely :—

"125. *Sanction for undertaking works or development schemes.*—(1) No works or development schemes, in relation to expenditure which is to be made, either from the district fund or a block grant, shall be executed, except with the previous sanction of such authorities or officers as may be prescribed by rules.

(2) The rules made for this purpose shall also prescribe the limits of non-recurring and recurring expediture upto which each such authority or officer may accord the sanction.

(3) The State Government shall be competent to vary the prescribed limits, from time to time, by notification published in the Official Gazette, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.

126. *Contracts for works or development schemes.*—(1) No tenders or contracts for executing any works or development schemes duly sanctioned, for being undertaken, either from the district fund or a block grant, shall be accepted or made, except with the previous sanction of such authorities or officers as may be prescribed by rules.

(2) The rules made for this purpose shall also prescribe the limits of non-recurring expenditure upto which each such authority or officer may accord the sanction.

(3) The State Government shall be competent to vary the prescribed limits, from time to time, by notification published in the Official Gazette, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.".

3. *Substitution of section 128 of Mah. V of 1962.*—For section 128 of the principal Act, the following section shall be substituted, namely :—

"128. *Power of Zilla Parishad to acquire and lease, sell or transfer property.*—(1) A Zilla Parishad may, for the purposes of any of its functions.—

(a) acquire and hold property, both movable and immovable, whether within or without the limits of the District ; or

(b) lease, sell or otherwise transfer, any movable or immovable property. which vests, or may be vested, in, or may be acquired by it :

Provided that no acquisition, lease, sale or other transfer of any such properties shall be valid, except with the previous sanction of such authority or officer as may be prescribed by rules.

(2) The rules made for this purpose shall also prescribe the limits of the value or consideration upto which and the subject in relation to which each such authority or officer may accord the sanction.

(3) The State Government shall be competent to vary the prescribed limits, from time to time. by notification published in the Official Gazette, provided that where the limits are so increased, the increased limits shall not be more than twice the limits prescribed by the rules.".

4. *Amendment of section 274 of Mah. V of 1962.*—In section 274 of the principal Act, in sub-section (2),—

(a) after clause (xx), the following clause shall be inserted, namely :—

"(xx-a) under section 125, prescribing the authorities and officers competent to accord previous sanction for undertaking works and development schemes and the limits of expenditure upto which such authorities or officers may accord sanction ;

(xx-b) under section 126, prescribing the authorities and officers competent to accord previous sanction for accepting tenders and making contracts and the limits of expenditure upto which such authorities or officers may accord sanction ;

(xx-c) under section 128, prescribing the authorities and officers competent to accord previous sanction for a acquisition or transfer of property and the limits of value or consideration and the subjects in relation to which authorities or officers may accord sanction ; " ;

(b) the existing clause (xx-a) shall be renumbered as clause (xx-d)

5. *Deletion of Third Schedule to Mah. V of 1962* —The Third Schedule to the principal Act shall be deleted.

THE DISSOLUTION OF OSMANABAD AND PARBHANI ZILLA PARISHADS AND TEMPORARY POSTPONEMENT OF ELECTIONS AND THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYAT SAMITIS (AMENDMENT) ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 9th July 1985, was published in the *Maharashtra Govt. Gazette* (*Ext.*), Part IV, dated 9th July, 1985.

MAHARASHTRA ACT NO. XII OF 1985.

An Act further to amend the Dissolution of Osmanabad ond Parbhani Zila Parishads and Temporary Postponement of Elections Act, 1980 and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961

Whereas under section 3 of the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980), the Osmanabad Zilla Parishads and the Parbhani Zilla Parishad were dissolved on the 26th September 1980 and the general elections to these bodies and to the Panchayat Samitis in these Districts stood postponed upto, and inclusive of the 30th June 1985 or such earlier date as the State Government may, by notification in the Official Gazette, specify ;

And Whereas by Governmen Notification, Rural Development Department, No ZPE. 1081/CR-395/XXXVII, dated the 27th April 1981 read with Government Notification, Rural Development Department, No. SPE. 1382/CR-511/ XXXVII, dated the 28th June 1982, Government Notifications. Rural Development Department, No. ZPE. 1083/CR-561/06, dated the 24th June 1983 and the 26th June 1984 issued under clause (b) of sub-section (2) of section 3 of the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980) the Chief Executive Officers of the Osmanabad Zilla Parishads and the Parbhani Zilla Parishad have been appointed to exercise all powers and to perform all duties of their respective Zilla Parishads and Panchayat Samitis, the Standing Committee, Subjects Committees and others Committee upto, and inclusive of, the 30th June 1985 or such earlier date as the State Government may, by notification in the Official Gazette, specify;

And Whereas due to widespread scarcity conditions prevailing in the State the entire Government machinery was required to be mobilised for relief works especially in rural areas ;

And Whereas in view of the proposed reorganisation of talukas and villages in the Vidarbha area, it was considered administratively convenient to hold elections to all Zilla Parishads at one and the same time ;

And Whereas the villageswise 1981 census figures in respect of all the villages in the State had not been published ;

And Whereas in view of the objections received in respect of the finalisation of Electoral Division Rules and Panchayat Samitis Electoral Colleges Rules, it was considered expedient to adopt the figures of 1971 census till the relevant figures for the first census taken after the year 2000 have been published ;

And Whereas for the reasons stated above it was not possible to hold general elections to the Osmanabad and Parbhani Zilla Parishads and Panchayat Samitis under them before the 30th June 1985 ;

And Whereas it was necessary to provide for further postponement of general elections to the Osmanabad and Parbhani Zilla Parishad and Panchayat Samitis under them upto, and inclusive of the 15th December 1985 or such earlier date as the State Government may, by notification in the Official Gazette, specify in this behalf and for that purpose further to amend the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980), and also the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), immediately ;

And Whereas both Houses of the State Legislature were not in section;

And Whereas Shri Konda Madhava Reddy, discharging the functions of the Governor of Maharashtra, was satisfied that circumstances existed with rendered it necessary for him to take immediate action further to amend the Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980), and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), and for that purpose promulgated the Dissolution of Ormanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections and the Maharashtra Zilla Parishads and Pañchayat Samitis (Amendment) Ordinance, 1985 (Mah. Ord. IV of 1985), on the 10th day of May 1985 ;

And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth year of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called **Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 10th day of May, 1985.

2. *Amendment of section 1 of Mah. XIX of 1980.*—In section 1 of the

Act XXIII of 1976.—For clause (c) of sub-section (2) of section 57-A of the said Act the following clause shall be substituted :—

"(c) For the purpose of absorbing the services of the teachers of the affiliated colleges, who were appointed by the governing body of the college against the sanctioned posts before the establishment of the College Service Commission and whose services have been approved by the University as also the services of such teachers who were appointed by the governing body on the recommendations of the University Service Commission (Dissolved)/College Service Commission, as the case may be, approval of the Bihar State University (Constituent Colleges) Service Commission shall be necessary, and such teachers shall be absorbed in the University Service from the date of making the college constituent and their seniority shall be determined according to the rules prescribed in the statutes."

7. *Amendment of section 58 of Bihar Act XXIII of 1976.*—In section 58 of the said Act—

(1) For the words "Bihar Public Service Commission" and "Commission" the words "Bihar State University (Constituent Colleges) Service Commission" shall be substituted

(2) In clause (a) of sub-section (2)—

(a) For sub-clause (i), the following clause shall be substituted :—

"(i) Seniormost teaches of the subject concerned not below the rank of University Professor."

(b) After proviso to sub-clause (i), the following proviso shall be added :—

"Provided further that the expert shall be Principal of the rank of University Professor for the appointment of Principal of the rank of University Professor,"

(c) After sub-clause (ii), the following proviso shall be added :—

"Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-Chancellor of the outside University from amongst the said three Specialists/Experts."

(3) In clause (b) of sub-section (2)—

(a) For sub-clause (i), the following shall be substituted, namely :—

"(ii) Seniormost teacher of the subject concerned not below the rank of University Professor."

(b) After proviso to sub-clause (i), the following proviso shall be added :—

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of Reader."

(4) For clause (b) to sub-section (3) the following shall be substituted, namely :—

"If the Syndicate/Government Body does not accept the recommendation made by the Commission, it shall record its reasons in writing and forward the case for order to the Chancellor and the order of the Chancellor shall be final and binding."

(5) After sub-section (8), the following sub-section shall be added :—

"(9)(a) Notwithstanding anything contained in the Act, purely temporary appointment on a post of Lecturer, duly sanctioned by the State

Government may be made for a maximum period of six months or till the end of session (whichever is earlier) on the recommendations of the following Selection Committe constituted under the chairmanship of Vice-Chancellor :—

(1) Vice-Chancellor	... Chairman
(2) University Professor of the subject concerned (the seniormost teacher of the rank of University Professor).	... Member
(3) An expert from the State of the rank of the University Professor to be nominated by the Chancellor	... Member

(b) In no case the Professor appointed on temporary basis as aforesaid, shall either continue in service nor be re-appointed on the expiry of the said period of six months. Such appointment shall be made only once and for a maximum period of six months."

8. *Amendment of section 66 of the Bihar Act XXIII of 1976.*—In proviso to section 66 of the said Act, for the words "The Public Service Commission" the words "The Bihar State University (Constituent Colleges) Service Commission" shall be substituted.

9. *Repeal and saving.*—(1) The Bihar State University (Amendment) Ordinance, 1985 (Bihar Ordinance No. 4 of 1985), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Ordinance, as if, this Ordinance were in force on the day on which such thing or action was done or taken.

Dated, 15th May, 1985.

P. VENKATA SUBBAIAH,
Governor of Bihar.

THE BIHAR INTERMEDIATE EDUCATION ORDINANCE, 1985

Published in the *Bihar Gazette*, (*Extra.*), dated June 6, 1985.

BIHAR ORDINANCE NO. 23 OF 1985

An Ordinance to provide, after the dissolution of Bihar Intermediate Education Council, for the conduct of the pending and the future Intermediate Standard Examinations and for proper conduct, Regulation and Control of Institutions Imparting Education of Intermediate Standard, and for Removal of ancillary matters arising thereto.

Preamble.—Whereas the Legislature of the State of Bihar is not in session.

And, whereas the Governor of Bihar is satisfied that, circumstances exist which render it necessary from him to take immediate action after the dissolution of Bihar Intermediate Education Council, for the conduct of the pending and the future Intermediate Standard Examinations and for proper conduct, regulations and control of Institutions imparting education of Intermediate standard and for removal of ancillary matters arising out of the dissolution of Bihar Intermediate Education Council.

Now, therefore, in exercise of the powers conferred by clause (i) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(i) This Ordinance may be called **the Bihar Intermediate Education Ordinance, 1985.**

(ii) It shall extend to the whole of the State of Bihar.

(iii) It shall be deemed to have come into force from May 20, 1985.

2. *Definitions.*—In this Ordinance unless the context otherwise requires,—

(a) 'Council' means Bihar Intermediate Education Council constituted under section 3 of Bihar Intermediate Education Council Ordinance, 1985 (Bihar Ordinance No. 8 of 1985) ;

(b) 'Fund' means Bihar Intermediate Education Council Fund constituted under section 29 of the said Bihar Intermediate Education Council Ordinance, 1985 ;

(c) Rules' means the rules framed under this Ordinance by the State Government ;

(d) 'Intermediate Education' means the education imparted according to the Intermediate standards syllabi in the subjects and of the standard prescribed by the Government of Bihar from time to time ;

(e) 'Notification' means notification published in the official Gazette ;

(f) 'University' means university established under section 3 of the Patna University Act, 1976 (Bihar Act XXIV of 1976) and the Bihar State University Act, 1976 (Bihar Act XXIII of 1976).

3. *Carrying out the functions of the Council.*—(i) With effect from the date of commencement of this Ordinance the Education Secretary, Government of Bihar shall be deemed to have been authorised to conduct. direct, supervise and control education of intermediate standard and for carrying out all functions relating to the purposes and powers as provided in section 15 of Bihar Intermediate Education Council Ordinance, 1985 (Bihar Ordinance No. 8 of 1985).

(ii) From the date of commencement of this Ordinance all assets, properties and liabilities of the Council shall be deemed to have vested in the State Government.

4. *Disposal of pending intermediate examination works.*—(i) The State Government may by notification in the official Gazette authorise any one or more universities established in the State of Bihar to carry out the pending Intermediate examinations.

(ii) Notwithstanding anything contained in any Act or Ordinance, the State Government may by notification in the official Gazette authorise any one or more universities of the State to carry out the work of teaching, conduct of examination, evaluation, publication of results, grant of certificates and any other work relating to the Intermediate Education.

And may further authorise any one university or more universities to evaluate and inspect any of the institution engaged in imparting Intermediate Education.

5. *Power of the State Government to issue instruction.*—(i) The State Government may issue any instruction consistent with the provisions of this Ordinance which it considers necessary, for carrying out the purposes of Intermediate Education and this Ordinance.

(ii) The State Government may, by a notified order, stating the reason thereof, annul any resolution or order passed by the Council prior to its dissolution.

6. *Power to frame rules.*—The State Government may make rules for proper implementation of the provisions of this Ordinance.

7. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Ordinance or any controversy arises, the State Government may take appropriate decisions and issue orders.

8. *Savings.*—Anything done or any action taken in exercise of the powers conferred by or under Bihar Intermediate Education Council Ordinance, 1985 (Bihar Ordinance No. 8 of 1985) shall be deemed to have been done or taken in exercise of the powers conferred by or under this Ordinance as if this Ordinance was in force on the date on which such thing was done or action taken,

Dated 5th June, 1985.

P. VENKATA SUBBAIAH,
Governor of Bihar.

THE BIHAR COAL MINING AREA DEVELOPMENT AUTHORITY SECOND ORDINANCE, 1985

Published in the *Bihar Gazette* (*Extra.*), dated May 20, 1985.

BIHAR ORDINANCE NO. 21 OF 1985

An Odrinance to provide for the growth and development of Coal Mining Areas in the State and for matters ancillary thereto.

Preamble.—Whereas the Legislature of the State of Bihar is not in session :

And whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action for planned growth and development of Coal Mining Areas and for matters incidental thereto :

And, whereas, the instructions of the President under the proviso to clause (1) of Article 213 of the Constitution of India have been obtained :

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Ordinance may be called **the Bihar Coal Mining Area Development Authority Second Ordinance,** 1985.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date and in such areas as the State Government may, by notification in the Official Gazette, appoint.

(Text omitted).

THE PATNA UNIVERSITY (AMENDMENT) SECOND ORDINANCE

Published in the *Bihar Gazette*, (*Ext.*), dated May 18, 1985.

BIHAR ORDINANCE NO. 15 OF 1985

An Ordinance to amend the Patna University Act, 1976.

Preamble.—Whereas the Legislature of the State of Bihar is not in session.

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Patna University Act, 1976 (Bihar Act XXIV of 1976), in the manner hereinafter appearing ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Bihar is pleased to promulgate the following Ordinance :—

1. *Short title and commencement* —(1) This Ordinance may be called **the Patna University (Amendment) Second Ordinance, 1985**.

(2) It shall come into force at once.

2. *Amendment of section 2 of Bihar Act XXIV of 1976.*—After clause (y) of section 2 of the Patna University Act, 1976 (Bihar Act XXIV of 1976) (hereinafter referred to as the said Act), the following clause shall be added namely ;—

"(z) 'Bihar State University (Constituent Colleges) Service Commission' means Bihar State University (Constituent Colleges) Service Commission to be constituted by the State Government for making recommendations for appointments, etc. of teachers and officers of Universities and Constituent Colleges.

3. *Amendment of Section 19 of Bihar Act XXIV of 1976.*—For clause (17) of section 19 of the said Act the following shall be substituted :—

"(17) One employee to be elected by the employees of the University and Colleges from amongst the employees of the University and Colleges in the manner prescribed in the statutes."

4. *Amendment of section 27 of Bihar Act XXIV of 1976.*—For clause (a) of sub-section (5) of section 27 and proviso thereof, the following clause and proviso shall be substituted :—

"(a) The Dean of Faculties shall be appointed in the faculty by the Vice-Chancellor by rotation for a term of two years from amongst the University Professors and Principals of the rank of University Professors in the manner provided by the statutes :

Provided that in the Faculty where there is no teacher or Principal of the rank of University Professors the Dean of Faculties shall be appointed by the Vice-Chancellor in rotation for a term of two years from amongst the Readers of the rank of the Heads of Department and Principals, in the manner prescribed by the statutes :

Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a Principal of a college of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years in the manner prescribed in the statutes."

5. *Substitution of a new section for section 56 of Bihar Act XXIV of 1976.*—(1) For section 56 of the said Act the following new section shall be substituted, namely :—

56. *Appointment of teachers and officers.*—(1) Subject to the provisions of this Act and the statutes, the Bihar State University (Constituent Colleges) Service Commission shall, as far as may be, perform in respect of appointment to the posts of teachers and officers (other than the Vice-Chancellor, Pro-Vice-Chancellor and the Dean of Faculty) the same functions as are assigned to the State Public Service Commission in respect of the State Services under Article 320 of the Constitution of India.

(2) The Bihar State University (Constituent Colleges) Service Commission shall, on the basis of an interview held for appointment of teachers and officers of different categories in all Universities and Constitutent

Colleges, prepare a panel, and teachers and officers of different Universities and Colleges shall be appointed on the basis of the said panel.

(3) In making recommendations for appointment to every post of teacher and officer, the Bihar State University (Constitutent Colleges) Commission shall fulfil the conditions contained in section 57 of the Act."

6. *Amendment of section 57 of Bihar Act XXIV of 1976.*—In section 57 of the said Act,—

(1) For the words "Bihar Public Service Commission" and "Commission" the words "Bihar State University (Constitutent Colleges) Service Commission" shall be substituted.

(2) In clause (a) of sub-section (2)—

(a) For sub-clause (i) the following shall be substituted :—

"(i) Seniormost teacher of the subject concerned not below tne rank of University Professors."

(b) After proviso to sub-clause (i), the following proviso shall be added —

"Provided further that for appointment of Principal of the rank of University Professor, the expert shall be a Principal of the rank of University Professor."

(c) After sub-clause (ii) the following proviso shall be added :—

"Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-Chancellor of any other University amongst the said three specialists/experts."

(3) In clause (b) of sub-section (2),—

(a) For sub-clause (i) the following shall be substituted, namely :—

"(i) Seniormost teacher of the subject concerned not below the rank of University Professor."

(b) After proviso to sub-clause (i), the following proviso shall be added :—

"Provided further that the Expert for the appointment of the Principal of the rank of University Professors."

(4) For clause (b) to sub-section (3) the following shall be substituted, namely,—

"If the Syndicate does not accept the recommendation made by the Commission, it shall record its reasons in writing and forward the case for order to the Chancellor and the order of the Chancellor shall be final and binding."

(5) After sub-section (8), the following sub-section shall be inserted :—

"(9). (a) Notwithstanding anything contained in the Act, a purely temporary appointment on a post of Lecturer only sanctioned by the State Government may be made for a maximum period of six months or till the end of the session (whichever is earlier) by the following Selection Committee constituted under the chairmanship of the Vice-Chancellor.

For this purpose the Selection Committee shall be constituted as follows :—

(1) Vice-Chancellor.. ... ... Chairman.

(2) University Professor of the subject concerned (the seniormost teacher of the rank of University Professor/Head of Department). ... Member.

(3) An expert from the State of the rank of University Member,

Professor to be nominated by the Chancellor.

(b) In any case, the Lecturer appointed on temporary basis as aforesaid, shall neither continue in service nor be re-appointed on the expiry of the said period of six months. Such appointment shall be made only once and for a maximum period of six months."

7. *Amendment of section 63 of Bihar Act XXIV of 1976.*—In proviso to sub-section (2) of section 63 of the said Act, for the words "The Public Service Commission" the words "The Bihar State University (Constituent Colleges) Service Commission" shall be substituted.

8. *Repeal and saving.*—(1) The Patna University (Amendment) Ordinance, 1985 (Bihar Ordinance No. 5 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Ordinance, as if this Ordinance in force on the day on which such thing or action was done or taken.

P. VENKATA SUBBAIAH,
Dated 15th May, 1985. Governor of Bihar.

THE BIHAR STATE UNIVERSITY (CONSTITUENT COLLEGES) SERVICE COMMISSION SECOND ORDINANCE, 1985.

Published in the *Bihar Gazette, Extra,* dated May 18, 1985

BIHAR ORDINANCE NO. 16 OF 1985

An Ordinance to establish University Service Commission for the Recruitment of the Officers and Teachers of the Universities and constituent Colleges of the State.

Preamble.—Whereas, the Legislature of the State of Bihar is not in session ;

And, whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to establish University (Constituent Colleges) Service Commission for recruitment of the officers and teachers in the universities and constituent colleges of the State ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinrnce :—

1. *Short title, extent and commencement.*—(i) This Ordinance may be called the **Bihar State University (Constituent Colleges) Service Commission Second Ordinance, 1985**.

(ii) It shall extend to whole of the State of Bihar.

(iii) It shall come into force at once.

2. *Constitution of the Commission.*—(a) The State Government shall, by a notification published in the official Gazette, set up the Bihar State University (Constituent Colleges) Service Commission (hereinafter referred to as the "Commission").

(b) The Commission will be a body corporate, having its head office in Patna, which will have perpetual heritance and there will be a common seal and will sue or will be sued in the said name.

(c) The Commission will make recommendation for the appointment of officers and teachers of the Universities and its constituent colleges.

3. *Appointment of Chairman and members of the Commission.*—(a) The Commission will have a Chairman and a maximum of six members and they shall be whole time officers.

(b) The Chairman and the Members of the Commission shall be appointed by the Governor and they shall hold office for a period of three years.

(c) The Governor of the State shall have the power to reappoint the Chairman or any member on the expiry of his term, but in no case the tenure of the appointed or re-appointed Chairman or Member will continue after he attains the age of 62 years.

4. *Resignation or removal of Chairman or member of the Commission* :—(1) The Chairman/Members of the Commission may, by writing under his hand addressed to the Governor, resign his office. The Chairman/Member of the Commission may be removed from the office by the order of the Governor if he.—

(a) is adjudged an insolvent ;

(b) engages himself during his term of office in any paid employment outside the duties of his office ; or

(c) is in the opinion of the Governor, unfit to continue in office; or

(2) The Chairman or any other member of the Commission may be removed from his office by the order of the Governor on the ground of misbehaviour after an enquiry is held in the manner prescribed by the Governor in the Rules to be framed under Section 13.

5. *Recommendation of the Commission for appointment.*—(a) In the process of making recommendations for appointment to each post of officer/teacher of a University or of a Constituent College the Commission will have the assistance of experts as laid down under section 58 of the Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) of section 57 of the Patna University Act, 1976 (Bihar Act 24 of 1976) as the case may be.

(b) In the process of making recommendations the provisions made in the statutes of the Universities concerned relating to qualifications and method of selection shall be taken into consideration.

6. *Qualification of Chairman and members.*—(a) A person to be appointed to the post of Chairman should have a minimum of five years experience as a University professor.

(b) No one will be considered fit to be a Member unless he is of the rank of University Professor.

7. *Determination of pay and allowances by the State Government.*—The State Government will determine the terms and conditions of service including the pay and allowance, etc. for the Chairman, Members, Secretary and staff according to the prescribed Rules.

8. *Secretary.*—There will be a Secretary of the Commission, who will be a full time officer and whose appointment will be made by the State Government from the officers of the rank of Additional Director of Education or of equivalent rank. He will work under the administrative control of the Commission.

9. *Panel.*—(a) The Commission will draw a panel, in order of preference, for appointment to each grade. Such panel will be prepared for each University separately. The Commission will recommend to the Universities concerned the number of candidates requisitioned against the available vacancies.

(I) if he has been punished for a prison offence under Section 46 of the Prisons Act 1894 (IX of 1894), during tewelve months proceedings the date of commencement of the leave applied for.

(6) The leave under sub-section (1) cannot be claimed as a matter of right.

(7) The period of leave under sub-section (1) shall not count toward the total period of his sentence.

31-C (1) *Surrender by prisoner after the leave period.*—On the expiry of the period for which a prisoner was released on leave under sub-section (1) of Section 31-A or an emergency leave under sub-section (I) of Section 31-B, he shall surrender himself to the officer-in-charge of the prison from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to under go the unexpired of his portion sentence.

31-D *Penalty.*—Any prisoner who does not surrender himself as required by sub-section (1) of Section 31-C shall be liable upon conviction to be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

31-E *Power to make rule.*—(1) The State Government may make rules for carrying out the purposes of this part.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) procedure to be followed in respect of the proceedings for grant of leave of emergency leave to prisoners ;

(b) the conditions for grant of leave or emergency leave to prisoners under sub-section (1) of Section 31-A, or under sub-section (1) of Section 31-B, respectively, conditions for the supervision during the period of such leave ;

(c) travelling allowances for prisoners during the period of leave ;

(d) restrictions on the movement of prisoners during the period of leave ; and

(e) cancellation of leave and emergency leave or forfeiture of bond in case of violation of conditions of leave."

Published in the *Madhya Pradesh Gazette*, Part 4 (ga), dated July 12, 1985

HIGH COURT OF JUDICATURE AT NAGPUR
FOR THE VOLUME OF THE RULES OF THE HIGH COURT OF JUDICATURE AT NAGPUR
AMENDMENT NO. 13-I-14-I/38

(The amendment will come into force from the date of publication).

In Rule 4 Part II High Court Rules (Rules for proceedings under Article 226 of the Constitution of India).

1. Re-number the existing Rule 4 as Rule 4 (a)
2 Add the following as Rule 4 (b).—

"Where the petition is against the State Government or any of it's officers and is accompanied by an application for ad-interim writ or stay order with a request for hearing it urgently, the petitioner shall supply a copy of the petition together within annexures and the application for interim relief, in advance to the Advocate General's office and file acknowledgement of the same. The application for interim relief will then be listed before the court with notice to the Advocate General"

In Rule 6 Part II High Court Rules

Insert the following second proviso under first proviso to rule 6 :—

"Provided further that all petitions after admission required to be heard finally by single bench shall be listed for orders on all interlocutory matters except for issuance of an interim writ or stay order, before the appropriate Single Bench."

In Rule 7 Part II High Court Rules

Insert the words "together with annexures" between the words "petition" and "and".

After amendment Rule 7 shall read as under :—

"*Rule 7.*—The petitioner shall deposit the necessary process fees within three days or such time as the court may order of the admission of the petition alongwith as many copies of the petition together with annexure and affidavit as there are opposite parties ".

In Rule 8 Part II High Court Rules

Insert the word "together with annexures" between the words Petition" and "and".

After amendment Rule 8 shall read as under :—

"*Rule 8.*—Copies of the petitions together with annexures and affidavits shall be served with the notice."

In Rule II (a) Part II High Court Rules.

Insert the words "including annexures" between the words "thereof" and "upon".

After amendment Rule 11 (a) shall read as under :—

"*Rule 11 (a).*—An answer to the rule nisi showing cause against such petition shall be made by filing in the registry a return duly supported by an affidavit and by serving a copy thereof including annexures upon the petitioner or his agent or Advocate atleast two days before the date of the return of the rule."

In Rule I Part I Chapter X High Courts Rules relating to copies

Insert the following proviso at the end of Rule I :—

"Provided that no copy of the office notings or the reports not forming part of the judicial order-sheets made by the Registry office in the judicial record shall be given".

In sub-rule (4) Rule 8 Part I Chapter V High Court Rules

(i) Insert the words "and/or Court of session" between the words "High Court" and "and if made"

(ii) Insert the following sentnece at the end of sub-rule (4).

"A copy of order of the court of session, if any, shall be filed with the bail application".

After amendment sub-rule (4) of rule 8 shall read as under :—

"Sub-Rule (4) of Rule 8. No petition for the grant of bail other than those referred to in sub-rule (3) above, shall be entertained, unless it contains an averment that a similar petition relating to the same subject matter has or has not been made to the High and/or court of session and if made, with what result.

A copy of order of the court of session, if any, shall be filed with the bail application.

In Rule 11 Part I Chapter V High Court Rules

Insert the following words "the references for confirmation or death sentences and" at the beginning of Rule 11.

After amendment Rule 11 shall read as under :—

"*Rule 11.*—The references for confirmation of death sentences and appeals against a sentence of death are to have perference over all other cases. They should therefore be posted for hearing as soon as they are ready. The preparation of paper books in such cases should be expedited throughout."

In Rule I (d) Part I Chapter I, High Court Rules

Substitute the figure "Rs. 50,000" for the figure "Rs. 20,000" wherever it occurs in Rule I (d).

After amendment Rule I (d) shall read as under :—

"*Rule I (d).*—An appeal of a Civil nature under any act of the Central or State Legislature or First Appeals under the Code of Civil Procedure, the value of which does not exceed the sum of Rs. 50,000 and any application or reference made under such Act, if such appeals, applications or reference is not otherwise expressly provided for.

Explanation.—The value of a cross objection filled in any such appeal shall not be included in the value of the appeal.

However if the value of the cross-objection exceeds Rs. 50,000 the appeal as well as the cross objection shall both be heard by Division bench "

In Rule I (Q) Part I Chapter I High Court Rules

Insert the following as clause IV-A after clause IV in rule I (Q).

"A revision filed by a private party under section 397 of the Code of Criminal Procedure or suo motu revision entertained under section 401 of the Code of Criminal procedure against acquital in respect of offences punishable with sentence of death or imprisonment for life and triable by court of session".

In Rule 5 Part I Chapter IV, High Court Rules

Substitute the figure "382, 397 and 401" for the figures "419, 435 and 439" respctively in Rule 5.

After amendment Rule 5 shall read as under :—

"*Rule 5.*—Every petition of appeal under section 382 of the code of Criminal procedure and evey petition, asking for the exercise of the High Court's power under section, 397 or 401 of the same code shall state the details of any sentence imposed and the enactment under which any conviction is held in the proceedings in connection with the petition is made".

In Rule 8 (3) Part I Chapter VII High Court Rules

Substitute the words "Jabalpur or in case of Benches at Indore and Gwalior, in those towns" for the word "Nagpur" between the words "in and "shall".

After amendment Rule 8 (3) shall read as under :—

"*Rule 8(3).*—Cases in which any party is represented by a Single counsel not practising in Jabalpur or in case of Benches at Indore and Gwalior, in those towns shall be taken up on Thursday. If such cases are not completed on Thursday they shall be taken upon Friday, and if not then completed, shall be proceeded with on the subsequent Thursday. Such cases shall take precedence on Thursday over all cases including Part-heard cases.

In Rule I Part I Chaptar VIII, High Court Rules

(1) Insert the words "except in case of Miscellaneous Petitions" in between the words "alone" and "unless" in the first proviso.

(2) Insert the word "further" after the word "provided" in the second proviso.

After amendment first proviso to Rule I shall read as under :—

"Provided that no paper-book shall be prepared in the matters to be ordinarily heard and diposed of by a judge sitting alone except in case of Miscellaneous Petitions unless otherwise directed by the court.

After amendment second proviso to rule I shall read as under :—

"Provided further that in a Miscellaneous case not provided for in these rules, it shall not be necessary to prepare a paper book but the Registrar may, if he thinks fit direct the preparation of a paper book and also what papers it shall contain and may pass orders as to the number of copies to be prepared the person or persons by whom the costs are to be borne, the papers to be included and any other incidental matter. The Registrar may if he thinks fit, direct the preparation of such paper-books at the expenses of Government. In such cases the attention of the court shall be drawn to this fact at the time of hearing and the court may pass such orders as it thinks fit as to the appointment and recovery of such costs."

Published in the *Madhya Pradesh Gazette, Extraordinary*, dated July 29, 1985.

DEPARTMENT

No. 4 (e)-6-1020-XVI-B.—In exercise of the powers conferred by sub-section (3) of Section 1 of **the Madhya Pradesh Slate Pencil Karmakar Kalyan Nidhi Adhiniyam, 1982** (No. 13 of 1983), the State Government hereby appoints the 1st day of August 1985 as the date on which all the provisions of the said Act shall come into force.

THE MADHYA PRADESH APPROPRIATION (NO. 4) ACT, 1985

The following Act received the assent of the Governor on the 31st July, 1986 and was published in the "*Madhya Pradesh Gazette*" (*Extraordinary*), dated the 1st August 1985.

MADHYA PRADESH ACT NO. 14 OF 1985

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Madhya Pradesh for the services of the financial year 1985-86.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :—

1. This Act may be called **the Madhya Pradesh Appropriation (No. 4) Act, 1985.**

(Text Omitted.)

THE MADHYA PRADESH KARADHA (SANSHODHAN) ADHINIYAM, 1985

The following Act received the assent of the Governor on the 1st August 1985 and was published in the "*Madhya Pradesh Gazette*" (*Extra.*), dated the 1st August 1985

MADHYA PRADESH ACT NO. 13 OF 1985

An Act further to amend the Madhya Pradesh Karadhan Adhiniyam, 1982.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth

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MITRA : Legal and Commercial Dictionary

4th Edition 1985 *Rs. 115*

Of the English, Latin and Vernacular words, pharases and maxims in common use in judicial proceedings and in legal and commercial transactions this work sometimes gives the dictionary meaning, sometimes the statutory definition, sometimes the judicial interpretation and at times a combination of one with the other.

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Edition 1985 *Rs. 130*

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2nd Edition 1985 *Rs. 375*

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BHATTACHARJEE : Muslim Law and Constitution

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This work warns that a considerable portion of the Muslim law in India relating to Marriages etc. might have failed to survive the promulgation of the Constitution and points out that a Uniform Civil Code as a goal as evisaged in Article 44 may be the only recourse to save the Personal laws from being outlawed.

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SUKUMAR BHATTACHARYA : Indian Income-Tax Law and Practice

17th Edition 1985 *Rs. 75*

The work makes a critical examination of the different aspects up to the Finance Act 1985. It places more stress on the practical application of the law with the help of proper illustrations and theoretical exposition of the different provisions has been made at length.

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(2) Ref. Item 2. Amount at item 1 (v) (d), Item 2 (a) (vii) and Item 2 (b) (ix) should tally with each other.

(3) Ref. Item 3. Amount at item 3 (v) (c), 4 (a) (vii) and 4 (b) (ix) should tally with each other.

(4) Ref. Item 3 (v) (b). If the company is a private Company and a declaration as specified in Note (1) of the part 3 has not been obtained such deposits should be shown against this item.

(5) The amounts shown in Part 3 should not be included in Part-1.

Part 2

Particulars of Liquid Assets (*Rule 3A*)

Item No.	Particulars	Item Code	Amount in thousands of Rs.	Date of investment/ Deposit
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	(i) Face Value		251	
	(ii) Market value		252	
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(1)	(2)	(3)	(4)	(5)
2.	Particulars cf advertisement inviting deposits/statement in lieu of advertisement. Rule 4/4A)			
	(a) Date of publication of the adverstisement inviting deposits from the public/statement in lieu of advertisement.			
	(b) Period of currency of the previous advertisement/statement in lieu of advertisement			

PART 3

Particulars of exempted borrowing, etc-, not considered as deposits (Rule 2(b)(i) to 2(b)(x))

Item No.	Particulars	Item code	No. of acccunts	Amounts in thousands of rupees)
(1)	(2)	(3)	(4)	(5)
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(1)	(2)	(3)	(4)
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(2) Money received from the shareholders of a private company deemed as a public company under section 43A of the Companies Act, 1956, should also be included under this item subject to the obtaining of declaration referred to in Note (1) above.

Manager's Certificate

Certified.—(i) that a copy of this return has been sent/is being sent to Joint Chief Officer, Department of Financial Companies (Central Office Cell) Reserve Bank of India, Bombay-400 023.

(ii) that the figures of deposits, liquid sets and interest rates under Parts 1, 2 and 3 have been verified and found to have been correctly prepared.

(iii) that the aggregate of the paid-up capital and free reserves. etc., as arrived at on on the lines indicated in Explanation to rule 3 of the Rules are as follows :—

Item No.	Particulars	Item code	Amount in thousand in rupees)
(1)	(2)	(3)	(4)
1,	Net owned funds (figures to be furnished as preceding per the latest audited balance-		

(1)	(2)	(3)	(4)
	sheet preceding the date of the return—balance-sheet as on audited on and adopted on		
	(i) Paid-up capital	331	
	(ii) Free reserves	332	
	Total (i+ii)	333	
2.	(i) Accummulated balance of loss	341	
	(ii) Balance of deferred revenue expenditure	342	
	(iii) Accummulated unprovided depreciation	340	
	(iv) Miscellaneous expenses and preliminary expenses	344	
	(v) Other intangible assets (please specify)	345	
	Total : (i)+(ii)+(iii)+(iv)+(v)	340	
3.	Net owned funds (1—2)	350	
4.	Deposits of the kinds referred to in rule 3(2)(i) of the Rules (vide item !(v)(d) of Part I of the return) (% of paid-up capital and free reserves)		
5,	Deposits of the kinds referred to in rule 3(2)(ii) of the Rules (vide item 3(v)(c) of the return (%of paid-up capital and free reserves)		

Signatures of ....
Authorised official.............
Name.. ....
Date.................. Designation..................

Auditores'rCertificate (to be attached)

Published in the *Gazette of India* (*Ext.*), Part II, Section 3(i) No. 523 dated June 21, 1985.

MINISTRY OF HOME AFFAIRS

G. S. R. 504 (E)—(*New Delhi, the 21st June, 1985*)—In exercise of the powers conferred by section 6 of the **Goa, Daman and Diu (Administrtion) Act. 1962 (1 of 1962)**, the Central Government hereby extends the Agricultural Produce Cess Act, 1940 (27 of 1940) to the Union Territory of Goa, Daman and Diu.

Pablished in the *Gazette of India* (*Ext.*), Part II, Section 3(i), No. 271, dated the 1st July. 1985,

MINISTRY OF PERSONNEL & TRAINING ADMINISTRATIVE REFORMS & PUBLIC GRIEVANCES AND PENSION

G. S. R. 527 (E)—(*New Delhi, the 1st July, 1985*)—In exercise of the powers conferred by sub-section (3) of Section 1 of the **Administrative Tri-**

bunals Act 1985 (13 of 1985), the Central Government hereby appoints the 1st day of July, 1985, as the date on which the provisions of the Act in so far as they relate to the Central Administrative Tribunal, shall come into force.

Published in the *Gazette of India (Ext.)*, Part II, Section 3(i), No. 352, dated August 9, 1985

MINISTRY OF HOME AFFAIRS

G. S. R. 643 (E)—(*New Delhi, the 9th August, 1895*)—In exercise of the powers conferred by section 3 of Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following order further to amend the Foreigners (Restricted Areas) Order, 1963, namely :—

1. (1) This order may be called **the Foreigners (Restricted Areas) Second Amendment Order, 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In para 3 to the Foreigners (Restricted Areas) Order, 1963, the following proviso shall be inserted at the end, namely :—

"Provided also that any foreign journalists holding accredition card issued by the Press Information Bureau of the Government of India shall not be required to obtain permit under this order in respect of any place or area falling within the Restrictive Area of Pujab".

Published in the *Gazette of India (Ext.)*, Part II, Section 3(i), No. 378, dated August 23, 1985.

MINISTRY OF FINANCE

G. S. R. 678 (E)—(*New Delhi 23rd August, 1985*)—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944. namely.—

1 (1) These rules may be called **the Central Excise (9th Amendment) Rules 1985.**

(2) They shall come into force on the 1st day of September, 1985.

2. In the Central Excise Rules, 1944 in rule 2, in clause (ii), in sub-clause (A) —

(1) for item (q), the follwing item shall be substituted, namely :—

"(q) (a) in the area comprising of Bassein, of the State of Maharashtra ; and

(b) in the area comprising of the Municipal Corporation of Greater Bombay of the State of Maharashtra, but excluding—

(i) the area specified in item (p) above thereof,

(ii) the area comprising of the Municipal Ward S thereof, which is north of Konkan Nagar Nalla, originating at Tembe Pada Hill in the west and flowing into the Thane Creek in the east, and

(iii) the area comprising of the Municipal Ward T thereof,

the Collector of Central Excise, Bombay-II ;"

(2) for item (i), the following item shall be substituted, namely.—

"(t) (a) in the district of Raigarh and Thana (excluding Bassein, Palghar and Dahanu talukas of Thane district), of the State of Maharashtra; and

(b) in the Municipal Corporation of Greater Bombay of the State of Maharashtra, in the area comprising of—

(i) the Municipal Ward S thereof, which is north of Konkan Nagar, Nalla, originating at Tembe Pada Hill in the west and flowing into the Thane Creek in the east, and

(ii) The Municipal Ward T thereof,

the Collector of Excise, Bombay-III ;"

Published in the *Gazette of India* (*Ext.*), Part II, Section 3(i), No. 382, dated the 7th August, 1985

MINISTRY OF COMMERCE

S. O. 594 (E)—(*New Delhi, the 7th August, 1985*)—In exercise of the powers conferred by Section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following Order further to amend the Exports (Control) Order, 1977, namely :—

1. This order may be called the **Exports (Control) Fourteenth Amendment Order 1985.**

2. In the Exports (Control) Order, 1977, in Schedule III, in OGL-2, in para 5, for the existing serial number (i), the following shall be substituted, namely :—

"(i) Grains and flour viz. non-basmati rice, and paddy (rice in husk) -B-20".

Published in the *Gazette of India*, Extraordinary Part II, Section 3 (i), No, 238, dated June 7, 1985.

MINISTRY OF TOURISM AND CIVIL AVIATION

GSR 485 (E).—(*New Delhi, the 7th June, 1985*)—Whereas certain draft rules further to amend the Aircraft Rules, 1937 were published with the notification of the Government of India in Ministry of Tourism and Civil Aviation No. GSR 609 dated the 31st May, 1984, in Gazette of India, Part II, Section 3, Sub-section (i), dated 16th June, 1984 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of three months from the date on which copies of the Official Gazette in which the said notification was published were made available to the public.

And whereas the said Gazette was made available to the public on the 16th June, 1984 ;

And whereas no objections or suggestions have been received from the public ;

Now, therefore, in exercise of the powers conferred by Section 5 of the Aircraft Act, 1934, the Central Government hereby marks the following rules further to amend the Aircraft Rules, 1937. namely :—

1. (1) These rules may be called **the Aircraft (Fifth Amendment) Rules, 1985.**

(2) they shall come into force on the date of their publication in the Official Gazette.

2. In the Aircraft Rules, 1937, the Rules 133(C) the following rule shall be substituted namely :—

"133C Fees—

(1) The following fee shall be payable for any inspection, examination, test carried out for the grant of—

	Rs.
(a) Approval to an orgnisation to engage in the design and manufacture of aircraft	10,000.00
(b) Renewal of approval referred to at (a)	2,000.00
(c) Approval to an organisation employing 100 and more persons in the manufacture of aircrft components and items of equipment including materials, forging, casting, standard parts	2,000.00
(d) Renewal of approval referred to at (c)	400.00
(e) Approval to an organisation employing less than 100 persons in the manufacture of Aircraft components and items of equipment including materials, forging, casting standing parts	500.00
(f) Renewal of approval referred to at (e)	100.00
(g) Approval to an organisation or a person to engage in workshop processing, treatment and inspection	250.00
(h) Renewal of approval referred to at (g)	50.00
(i) Approval to an organisation to engage in maintenance, overhaul, modification, repair, inspection, treatment, processing of aircraft comyonents and items of equiqment installed in aircraft having an all-up weight above 15,000 Kg	5,000.00
(j) Renewal of approval referred to at (i)	1,000.00
(k) Approval to an organisation or a person to engage in maintenance, overhaul, modification, repair, inspection, treatment, processing etc. of aircraft, aircraft components and items of equipment installed in aircraft having all-up weight of 15,000 Kgs. and below	500.00
(l) Renewal of approval referred to at (k)	100.00
(m) Approval to an organisation or person to engage in storage and distribution of aircraft, aircraft components, items of equipment, material, standard parts	500.00
(n) Renewal of approval referred to at (m)	100.00
(o) Approval to an organisation or a person to engage in storage, distribution and supply of aircraft fuel, lubricants and special products	500.00 for each station.
(p) Renewal of approval referred to at (o)	100.00 for each station.
(q) Approval as testing laboratory	250.00
(r) Renewal of approval referred to at (q)	50.00
(s) Approval to an organisation for imparting training in activities referred to in Rule 133B	500.00
(t) Renewal of approval referred to at (s)	100.00
(u) Approval to a person for certification of airworthiness of an aircraft, aircraft components or items of equipment	50.00
(v) Renewal of approval referred to at (u)	25.00
(w) Approval to an organisation to engage in the maintenance, overhaul, modification, repair, and inspection of aircraft components and items of equipment including emergency equipment but excluding engines	500.00

(x) Renewal of approval referred to at (w) 100.00

NOTE :

1. If an organisation or a person is granted approval for storage, distribution and supply of aircraft fuel, lubricants, special products, etc, for its own aircraft, no fees will be charged for the grant of approval or renewal thereof.

2. No fees will be charged for approval or renewal from Flying Clubs/Institutes/Schools and Gliding Clubs/Centres/Wings engaged in maintenance, overhaul, modification, repair, inspection, treatment, processing, etc., of aircraft, aircraft components and items of equipment installed in aircraft having all-up weight of 15,000 kgs. and below.

3. The validity of approval/renewal of approval shall not exceed one year.

4. For extension in the scope of approval under categories 'C' (Maintenance) and 'A' (Manufacture) to cover additional type of aircraft, aircraft components and items of equipment, a fee equal to renewal fee in that Category shall be charged.

(2) All fees payable shall be paid by crossed Indian Postal Order or a Bank Draft.

(3) Where for any reason the approval is not granted or renewed, as the case may be, the Director General may refund to the applicant such portion of the fees paid as may represent the cost of any inspection, examination, test not carried out.

Published in *the Gazette of India, Extraordinary*, Part II, Section 3(i), No. 255, dated June 24, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

New Delhi, the 24th June, 1985.

G.S R. 506 (E).—In exercise of the powers conferred by clause (b) of sub-section (1) of **section 637 of the Companies Act**, 1956 (1 of 1956), and in supersession of the notification of the Government of India, in the Ministry of Finance (Department of Company Affairs and Insurance) No. G.S.R 71 dated the 1st January, 1966, the Central Government :

(i) hereby delegates to the Regional Directors of the Company Law Board at Bombay, Calcutta, Madras and Kanpur also, the powers and functions of the Central Government under the following provisions of the said Act, namely :—

Section 22,
Section 25,
Sub section (1) of section 31.
Clause (aa) of sub-section (6) of section 43A,
Section 167.
Sub-sections (3), (4), (7) & clause (a) of sub-section (8) of sections 324.
Section 394A.
Second proviso to sub-section (5) of section 439 and sub-section (6) of the said section,
Clause (a) of sub-section (1) of section 496,
Clause (a) of sub-section (1) of section 508,
Sub-section (1) of section 551,

Clause (b) of sub-section (7) of section 555 and the proviso to clause (a) of sub section (9) of the said section,

Proviso to sub-section (1) of section 610,

Section 627;

(ii) further directs that every Regional Director shall exercise his powers and perform the functions so delegated to him subject to the control of the Company Law Board.

2. This notification shall come into force on 1st July, 1985.

G.S.R. 507.—In exercise of the powers conferred by clause (b) of sub-section (1) of **section 637 of the Companies Act, 1956** (1 of 1956), the Central Government hereby delegated to the Registrars of Companies, the powers and functions of that Government under the following provisions of the said Act, namely :—

Section 21,

Sub-section (4) of section 43A,

Sub-section (1D) of section 108.

2. The Central Government further directs that every Registrar of Companies shall exercise his powers and perform his functions so delegated to him subject to the control of the Company Law Board.

3. This Notification shall come into force on 1st July, 1985.

Published in *the Gazette of India, Extraordinary*, Part II, Section 3 (i), No. 225, dated the 1st June, 1985.

MINISTRY OF FOOD AND CIVIL SUPPLIES

G.S.R. 468 (E). (*New Delhi, 1st June, 1985*).—In exercise of the powers conferred by sub-clause (1) of clause 4 of the Vegetable Oil Products Control Order, 1947, the Vegetable Oil Products Controller for India hereby makes the following Order, further to amend the Vegetable Oil Products (Standards of Quality) Order, 1975, namely :—

1. (1) This order may be called **the Vegetable Oil Products (Standards of Quality) First Amendment Order, 1985**

(2) It shall have effect for a period of four months coming on the publication in *the Official Gazette*.

2 In the First Schedule to the Vegetable Oil Products (Standards of Quality) Order 1975, in paragraph 2, in sub-clause (a) of clause (1), after the entry (xiii) but before the explanation, the following entry shall be inserted, namely :—

"(xiv) Solvent Extracted Rapeseed/Mustard Oil".

Published in the *Gazette of India, (Extraordinary)*, Part II, Section 3(i) No. 235, dated June 5, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

G.S.R. 482 (E).—(*New Delhi, the 5th June, 1985*)—In exercise of the powers conferred by Section 58-A read with Section 642 of the Companies Act, 1956 (1 of 1956) the Central Government, in consullation with the Reserve Bank of India, hereby makes the following rules further to amend the Companies (Acceptance of Deposits) Rules, 1975, namely :—

1. (1) These rules may be called **the Companies (Acceptance of Deposits) Third Amendment Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Acceptance of Deposits) Rules, 1975 :

(i) in rule 6 after sub-rule (2) the following sub-rule shall be inserted, namely :—

"(3) The company shall not reserve to itself either directly or indirecty a right to alter, to the prejudice or disadvantage of the depositor, the terms and conditions of the deposit after it is accepted."

(ii) in rule 8 for the proviso, the following proviso shall be substituted, namely :—

"Provided that nothing contained in rule shall apply to the repayment of any deposit before the expiry of the period for which such deposit was accepted by the company, if such repayment is made solely for the purpose of :—

(a) complying with the provisions of the Non-Banking Non-financial Companies (Reserve Bank) Directions, 1966 ; or

(b) complying with the provisions of rule 3 ; or

(c) converting with the consent of the depositors, into secured debentures in accordance with the guidelines, issued by the Government of India from time to time, regarding the issue of "rights" debentures ; or

(d) Providing war risk or other related benefits to the personnel of the naval, military or air force or to their families, on an application made by the association, or societies formed by such personnel, during the period of emergency declared under article 352 of the Constitution.

Explanation :—For the purpose of this rule, where the period for which the deposit had run contains any part of a year, then, if such part is less than six months, it shall be excluded and if such part is six months or more, it shall be reckoned as one year."

Published in the *Gazette of India*, (*Ext.*) Part II, Section 3(i), No. 257, dated June 25, 1985,

MINISTRY OF FINANCE

GSR 509 (E).—(*New Delhi the 25th June, 1985*)—In exercise of the powers conferred by section 37 of the Central Excise and Salt Act, 1944 (1 of 1944), the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1 (1) These rules may be called **the Central Excise (7th Amendment) Rules, 1985**.

(2) They shall come into force on the date of their Publication in the Official Gazette.

2. In the Central Excise Rules, 1944, in rule 2, in clause (iia),—

(a) in sub-clause (a), after item (i), the following items shall be inserted, nemely :—

"(ii) the Collector of Central Excise, Ahmedabad ;

(iii) the Collector of Central Excise, Vadodara ;

(v) the Collectot of Central Excise, Rajkot ;

(b) in sub-clause (c), items (viii), (ix), and (x) shall be omitted.

Published in the *Gazette of India (Ext.)*, Part II Section 3(i), No. 282, dated July 2, 1985.

MINISTRY OF HEALTH AND FAMILY WELFARE

G. S. R 543 (E)—(*New Delhi, the 2nd July, 1985*) Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. GSR 568(E), dated the 13th September 1982, and republished with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. GSR 517 (E) dated the 19th July, 1984, in the Gazette of India, Extraordi-Part II, Section 3, Sub-section (i), dated the 13th September, 1982 and 19th July, 1984 respectively inviting objections and suggestions from all persons likely to be affected thereby before the expiry of ninety days from the date on which copies of the Official Gazette in which the last-mentioned notification was published were made available to the public ;

And whereas the copies of the said Gazette were made available to the public on the 19th July, 1984 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 23 of the said Act, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

RULES

1. (1) These rules may be called **the Prevention of Food Adulteration (Fourth Amendment) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules) in rule 50, in sub-rule (1), after the proviso, the following proviso shall be inserted, namely :—

"Provided further that a producer of milk, who sells milk only to a milk co-operative society which is a member of a milk cooperative Union engaged in reconstitution of milk or manufacture of milk products, shall be exempted from this sub-rule."

3. In Appendix 'B' to the said rules—

(1) for item A 18. 12, the following item shall be substituted, namely :—

"A. **18.12**—MALTED MILK FOOD means the product obtained by mixing whole milk, partly skimmed milk or milk powder with the wort separately from a mash of ground barley malt, any other malted cereal grain and wheat flour or any other cereal flour or malt extract with or without addition of flavouring agents and spices, emulsifying agent, eggs, protein isolates, edible common salt, sodium or potassium bicarbonate, minerals and Vitamins and without added sugar in such a manner as to secure complete hydrolysis of starchy material and prepared in a powder or granule or flake from by roller drying, spray drying, vacuum drying or by any other process. It may contain cocoa powder. It shall be free from dirt and other extraneous matter. It shall not contain any added starch (except starch natural to cocoa powder) and added non-milk fat. It shall not contain any preservative or added colour. Malted milk food containing cocoa powder may contain added sugar.

Malted milk food shall also conform to the following standard, namely :—

		Malted milk food without cocoa powder	Malted milk food with cocoa powder
"(a)	Moisture	Not more than 5 percent by weight.	Not more than 5 percent by weight.
(b)	Total protein (N X 6.25) (on dry basis)	Not less than 12.5 per cent by weight.	Not less than 11.25 per cent by weight.
(c)	Total Fat (on dry basis)	Not less than 7.5 per cent by weight.	Not less than 6 per cent by weight
(d)	Total ash (on dry basis)	Not more than 5 per cent by weight.	Not more than 5 per cent by weight.
(c)	Acid insoluble ash (on dry basis) (in dilute Hcl)	Not more than 0.1 per cent by weight.	Not more than 0.1 per cent by weight.
(f)	Solubility	Not less than 85 per cent by weight.	Not less than 80 per cent by weight.
(g)	Cocoa powder (or dry basis)	—	Not less than 5.0 per cent by weight.
(h)	Test for starch .	Negative	—
(i)	Bacterial Count	Not more than 50,000 per gram	Not more than 50,000 per gram.
(j)	Coliform Count	Not more than 10 per gram	Not more than 10 per gram".

(2) in item A. 18.14, in the list of ingredients, after the word "Sugar" the words "Gur, Jaggery, Bura, Khandsari" shall be inserted.

Published in the *Gazette of India Extra*, Part II, Section 3 (i), No, 310, dated July 17, 1985

MINISTRY OF SHIPPING & TRANSPORT

G.R.S. 588 (E).—(*New Delhi, the 17th July. 1985*).—In exercise of the powers conferred by Section 352-R read with sections 457 and 458 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government here by makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called **the Merchant Shipping (Form of Certificate of Insurance for Civil Liability for Oil Pollution Damage) Rules, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958);

(b) "Form" means a Form annexed to these rules.

(3) Words and expression used in these rules but not defined shall have the meanings respectively assiged to them under the Act.

3. *Particulars of Insurance or other financial security*—(1) The owner of every Indian ship which carries 2000 tons or more oil in bulk as cargo shall apply in Form 'A' to the Director General of Shipping for the issue of a Certificate of Insurance or other financial security maintained in respect of such ship.

(2) The owner or agent of any foreign ship may also apply in Form "A", to the Director General of Shipping for the issue of a certificate of Insurance or other financial security maintained in respect of such ship.

4. *Issue of Certificate of Insurance or other Financial Security.*—The Director General of Shipping shall, after satisfying himself about the maintenance of Insurance or other financial security in respect of the ship for which the application under Rule 3 has been made, issue the Certificate in Form "B" to the owner or agent of the ship.

5. *Issue of duplicate certificate.*—When a certificate of Insurance or other financial security issued under Rule 4, is destroyed, defaced or otherwise lost, the owner or agent of the ship may obtain from the Director General of Shipping, a duplicate certificate.

6. *Fees.*—(1) Every application for issue of a certificate of Insurance or other financial security under Rule 4, shall be accompanied by a fees of Rs. 250/-

(2) A duplicate copy of the certificate under Rule 5 shall be issued to the owner or Agent as the case may be, on payment of fee of Rs. 20/-.

FORM "A"

(See Rule 3)

Form of Application for a certificate of Insurance or other financial security maintained under the Merchant Shipping Act, 1958.

1. Name of agent/owner :
2. Name of Ship :
3 Official Number :
4. Port of Registory :
5. Name of Owner
6. (i) Gross Tonnage :
   (ii) Nett Tonnage (Attach a photo copy of Certificate of Registry)
   (iii) Tonnage for limitation :
   [as per Section 352 N and Section 352 B (3) :]
7. (a) Particulars of Insurance or other financial security maintained :

(b) Limits of the Liability :

(c) Period of validity (Attach copy of documents in support) :

I hereby solemnly declare that to the best of my knowledge and belief the particulars given in this form are true and correct A certificate may be issued to the ship under Section 352 N of the Merchant Shipping Act, 1958.

I have been authorised by the owner to make this application.

Place :

Date :

Signature of Applicant
Name :
Address :

*Strike out if not applicable.

Note : Any existing/expired certificate should also be sent with this application.

FORM "B"

(See Rule 4)

Issued by Govt. of India. No.............................

Certificate of Insurance or other Financial Security in respect of Civil Liability for Oil Pollution Damage under Section 352 N of the Merchant Shipping Act, 1958.

(Issued under Rule 4 of the Merchant Shipping—Form of Certificate of Insurance for Civil Liability for (Oil Pollution Damage) Rules. 198...]

Name of ship	Distinctive number or letters	Port of Registry	Name and Address of owner

This is to certify that there is in force in respect of the above named ship a policy of insurance or other financial security satisfying the requirements of Section 352 N of the Merchant Shipping Act, 1958.

Type of security...
....
Duration of Security from...
............to...
Name and Address of the Insurer (s) and/or Guorantor(s)
Name ....
Address ....
This Certificate is valid untill ....
....
Issued at.......................... on ....
SEAL :

Director General of Shipping

Date :

Published in the *Gazette of India* (*Ext.*), Part II, Section 3(i), No. 208, dated May 8, 1985.

MINISTRY OF FINANCE

G.S.R. 414(E).—(*New Delhi, 8th May, 1985*).—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944) the Central Government hereby makes the following rules further to amend the Central Excise Rules, 1944, namely :—

1. (1) These rules may be called the **Central Excise (6th Amendment) Rules, 1985.**

(2) They shall come into force on the date of their Publication in the Official Gazette.

2. In the Central Excise Rules, 1944,—

(a) in Chapter V, after section E-XII, the following shall be inserted, namely :—

"E-XIII.—Marble slabs.

96ZW. *Application to avail of special procedure.*—(1) Where a manufacturer who manufacturers marble slabs with the aid of conventional gang saws makes in the proper form. an application to the collector in this behalf, the special provisions contained in this section shall, on such application being granted by the Collector, apply to such manufacturer in substitution of the provisions contained elsewhere in these rules, other than in this section, for the period in respect of which the application has been so granted.

(2) Such application shall be made each year and shall be accompanied by a certificate from the Director of Industries of the concerned State or the Union Territory, as the case may be, that the marble slabs are manufactured by the applicant using conventional gang saws.

(3) If at any time during the period for which the application of a manufacturer was granted, the manufacturer desires to withdraw his option for availing of the special provisions contained in this section, he shall give a notice in writing to the proper officer and the notice shall be so despatched as to ensure that it reaches the proper officer not less than thirty days before he desires to withdraw from such option, and where the manufacturer has so withdrawn his option, he shall be precluded from availing himself of such provisions for the remaining period for which the application was granted.

(4) If the manufacturer desires to avail himself of the special provisions contained in this section on the expiry of the period for which his application was granted, he shall make, before such expiry an application to the Collector under sub-rule (1) ; and on his failure to do so, he shall, unless the Collector is satisfied that such failure is for justifiable reasons, be precluded from availing himself of such provisions for a period not exceeding 12 months from the date of such expiry.

(5) Nothing contained in this rule shall apply to a manufacturer who manufactures marble slabs in the factory with the aid of any machines (other than edge-cutting machines) in addition to conventional gang saws.

96ZX. *Discharge of liability for duty on payment of certain sum.*—(1) Having regard to the average production in India of marble slabs, falling under sub-item (2) of Item 23E of the First Schedule to the Act, per week or per month or per year for different sizes of the conventional gang saws installed, for the manufacture of marble slabs and any other relevant factor, the Central Government may, by notification in the Official Gazette, fix from time to time a rate of duty per week or per month or per year, per each such conventional gang saw, subject to such conditions and limitations as it may think fit, and if a manufacturer whose application has been granted under rule 96ZW pays a sum calculated according to such rate of duty in the manner and subject to the conditions and limitations hereinafter laid down, such payment shall be a full discharge of his liability for the duty leviable on his production of such marble slabs during the period for which the said sum has been paid;

Provided that if there is an alteration in the rate of duty or in the limit of exemption, or both, the sum payable shall be recalculated on the basis of the revised rates or exemption limit, or both, from the date of alteration and liability for duty leviable on the production of marble slabs from that date shall not be discharged unless the differential duty is paid; should however, tne amount of duty so recalculated be less than the sum paid, the balance shall be refunded to the manufacturer.

(2) The sum payable under sub-rule (1) shall be calculated by applying the appropriate rate to the number and size of conventional gang saws, declared by the manufacturer in the application made by him under rule 96ZY, and installed by him for the manufacture of marble slabs, and the sum aforesaid shall be payable from the date on which the conventional gang saws declared and installed, commence manufacturing operations and upto the end of the year.

Explanation.—For the purposes of this sub-rule, "Year" shall be reckoned from the 1st day of April, to the 31st day of March, of the year next following.

(3) Before commencing or closing its manufacturing operation fully or partially, every manufacturer shall give a notice in writing to the proper officer and the notice shall be so despatched as to ensure that it reaches the proper officer not less than seven days before such commencement or closing, as the case may be:

Provided that the Collector may, in exceptional circumstances, accept a notice shorter than seven days.

(4) The sum referred to in sub-rule (2) shall be tendered by the manufacturer, at the time of submission of the application under rule 96ZY, initially for a period of two weeks, and thereafter weekly payment shall be made by such manufacturer two days in advance of the week next following, so that at the beginning of every week such manufacturer's deposit shall be equal to the amount of duty payable by him for two weeks, and the balance out of the duty so deposited, if any, shall be adjusted at the end of the year, if so desired by the manufacturer who had made the deposit:

Provided that the Collector may, subject to the conditions as may be specified by him, permit a manufacturer to pay the sum payable under sub-rule (2) for a period longer than the said weekly period.

96ZY. *Manufacturer's declaration, accounts and returns.*—(1)(a) The manufacturer referred to in rule 96ZW shall, at any time, during the calendar month immediately preceding the year in respect of which he has been permitted to avail himself of the provisions of this section, make an application to the proper officer in the proper form for leave to remove marble slabs from his licensed premises during the ensuing year, declaring therein the number and size of conventional gang saws installed or prepared to be installed.

(b) The permission so granted for a year shall be subject to the fulfilment of the condition of payment of sum under sub-rule (4) of rule 96ZX and such other conditions as may be specified.

(c) Failure to comply with such conditions shall render the said permission null and void.

(2) If such application is not made to the proper officer in accordance with sub-rule (1), or the payment of sum as required under sub-rule (4) of rule 96ZX is not made, the manufacturer shall, unless otherwise directed by the Collector and in exceptional circumstances, be liable to pay duty on his entire production of marbls slabs during the year in respect of which the application was to be made. at the rate set forth in the First Schedule to the Act read with the relevant notification, if any, issued under sub-rule, (1) of rule 8.

(3) Such manufacturer shall also append to his monthly return in form R. T. 3 (modified) made under rule 54, a duly signed statement showing the number of days worked and the number and size of the conventional gang saws installed as well as employed on each such day during the month to which such return relates.

96ZZ. *Exemption from certain provisions.*—During the period in respect of which any manufacturer has been permitted to avail himself of the provision of this section, he shall be exempt from the opration of all the provisions of rules 9 (except the third proviso to sub-rule (1) thereof], 45, 47, 48, 49, 50, 51, 51A, 52, 52A, 53, 55, 223, 223A, 223B, 224, 224A, and 229.

96ZZZ. *Penalty for misdeclaration.*—A manufacturer who is found to have made an incorrect declaration under sub-rule (1) of rule 96ZY or to have furnished an incorrect return specified in sub-rule (3) of that rule, or to have committed a breach of any of the conditions specified in any notification issued under rule 95ZX shall be liable.—

(i) to pay the difference, if any between the sum actually tendered by him and sum properly payable within ten days of a demand for such difference being served upon by the proper officer ;

(ii) to confiscation of a part or the whole of the stock of marble slabes lying in the premises of his licensed factory at the time the incorrectness of the declaration or of the returns is discovered ;

(iii) to be debarred from availing of the special procedure specified in this section for such period as the Collector may deem fit ;

(iv) to a penalty not exceeding two thousand rupees.

96ZZZZ. *Power to condone failure to apply for special procedure.*—Notwithstanding anything contained in this section, the Collector may; at his discretion, and subject to such condition as he may lay down apply the provision contain in this section to a manufacturer who has failed to avail himself of the special procedure or to comply with any condition laid down in this section within the specified time limit.";

(b) in Appendix I,—

(l) in (I) List of Central Excise Forms,—

(i) in Central Excise Series No. 56-A, in column (3) for the figures and letters "96S", the figures and letters, "96S, 96ZX (1), 96ZZZ(i)" shall be substituted ;

(ii) after Central Excise Series No. 62-C and the entries relating thereto, the following Series No. and entries shall be inserted namely :—

Central Excise Series No.	Descreption of Form	Rule No.	Short title
"62CC	Application for removal of marble slabes manufactured under the special procedure.	96ZY	A. R. 8A.";

(iii) in entry No. 85,—

(A) in column (2), after the words "Khandsari Suger", the words "marble slabes" shall be inserted ;

(b) in column (3), for the figures and letters "96ZP", the figures and letters "96ZH and 96ZW" shall be substituted ;

(2) in (II) Speciman Forms,—

(a) in Form DD2 (Central Excise Series No. 56-A), below the heading for the figures and letters "96S", wherever they occur, the figures and letters "96S, 96ZX(1), 96ZZZ (i)" shall be substituted ;

(b) after Form A.R. 8 (Central Excise Series No. 62-C), the following Form shall be inserted, namely :—

"Central Excise Series No. 62-CC,

Original

Duplicate

Triplicate

Quadruplicate

FORM A. R. 8A

Application for removal of marble slabes manufactured under the special procedure.

(Rule 96ZY)

Name of factory ....

Address ....

I/We ....manufacturer(s) of marble slabs residing at ....Taluka/Tehsil ....District .... and holder(s) of Central Excise Licence No. .... dated ...., having been permitted to avail myself/ourselves of the special provision contained in section E-XIII of Chapter V of the Central Excise Rules, 1944, in respect of my/our productton and transaction in such marble slabs at the above mentioned factory/factories hereby declare that I/We intend to instal and employ the conventional gang saws for the production of marble slabs during the year...... in the manner indicated below and the total sum payable by me/us in terms of rule 96ZX in respect of the said period are stated hereunder :—

Frame size of conventional gang saws	No. of Conventional gang saws to be installed and employed	Rate prescribed in Government of India Notification No. ——— dated ———	Sum payable under rule 96ZX	total
(1)	(2)	(3)	(4)	(5)

2 I/We tendere herewith the sum of Rs.................(Rupees...... ....only). The balance will be paid by me/us in weekly instalments by 5th, 12th, 19th and ....of the month of...... .....

3. I/We hereby declare that the particulars furnished herein are true and complete to the best of my/our knowledge and belief.

4. I/We apply for leave to remove from the above mentioned premises during the period from .... to ....any marble slabs manufactured in the said premises during that period.

5. I/We understand that the permission accorded to me/us for the year............is subject to my/our paying the balance amount as indicated in paragraph 2 above.

Signature of manufacturer(s)
or his/their authorised agent(s)

Place...............................
Date ....
To
.... of Central Excise
....
....

COUNTERSIGNED

Central Excise
..........Range,
———Circle

Place ....
Dated ————

Statement of duty paid :

1. For payment in cash at ————————

Treasury
Sub-treasury
State Bank of India
Reserve Bank of India

[To be filled in by the manufacturer(s) or his/their authorised agent(s)]

Name of person tendering payment	Particulars of payment	Amount (to be entered in words as well as in figures)
(1)	(2)	(3)

Head of Account

038-Union Excise Duties—Marble Slabs—

(ii) Under the compounded levy scheme

Date ———— Signature of tenderer

(To be filled in by the Treasury or Bank

CERTIFICATE

Deposit Number

Received payment of rupees ———

(in words) ————

Date

Signature of Treasurer————

Accountant ————

Treasury Officer ————

Agent or Manager ————

II. For payment through current account

Title of Account or Ledger	Number and date of entry	Amount Rs P.
1	2	3

Signature of manufacturer(s of his/their authorised agent(s)

Date............

III. For payment through T. R. 5/Special Revenue Money order.

Date of payment	T.R. 5/No./Special Revenue Money Order Coupon	Amount Rs. P.

Clearance allowed subject to fulfilment of the condition of weekly deposits

Place..............

Date...............

.....................of Central Excise

....

Note : Delete the entries not applicable.";

(c) after Form R. T. 3 (Central Excise Series No. 69), the following form shall be inserted, namely :—

"Central Excise Series No. 69 (modified)

Original

Duplicate

Triplicate

Quadruplicate

Quintuplicate

"FORM R. T. 3 (Modified)

Monthly return of marble slabs manufactured and issued

(Rule 54)

Range..............................Code No. ....

Year .. ..Division......................Code No. ....

State............Code No. .... Manufacturer (Code No.)..........

Type of Manufacturer (Code No.).............

Name and address of the assessee...................

Location of Factory....... ....

Central Excise Licence No. ....

Annual production capacity (on the basis of sanctioned installed capacity etce)... .. ..

Opening balance (1)	Quantity manufactured during the month (2)	Quantity removed from the factory (3)	Closing balance (4)

Amount of duty paid Particulars of Payment (1)	Amount (2)

I/We declare that I/We have compared the above particulars with the records and books of my/our/factory/warehouse and that the same are correctly stated.

Signature of assessee or his authorised agent,"

(d) in Form A.SP, (Central Excise Series No. 85),—

(i) in the heading, the words "/marble slabs" shall be added at the end .

(ii) for the figures and letters "96ZH", the figures, letters and word "96ZH and 96ZW" shall be substituted ;

(iii) after the words, "Khandsari Sugar", whereever they occur, the words "/Marble slabs" shall be inserted ;

(iv) for the words and figure "of Chapter V" the letters, figures and words "/S-XIII of Chapter V" shall be substituted.

Published in the *Gazette of India*, Extraordinary Part II, Section 3 (i), No, 412, dated September 16, 1985.

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

G S.R. 73 (E) —(*New Delhi, the 16th September. 1985*).—In exercise of the powers conferred by sub-section (3) of section 1 of the **Multi-State Co-operative Societies Act**, 1984 (51 of 1984), the Central Government hereby appoints the sixteenth day of September, 1985 as the date on which the said Act shall come into force.

Published in the *Gazette of India* (*Ext.*), Part II, Section 3(ii), No. 448, dated the September 18, 1985

MINISTRY OF RAILWAYS

S.O 676(E).—(*New Delhi, the 18th September, 1985*).—In exercise of the powers conferred by the sub-section (2) of section 1 of the **Railway Protection Force (Amendment) Act**, 1985 (60 of 1985), the Central Government hereby appoints the 20th September, 1985, as the date on which the said Act shall come into force.

Published in the *Gazette of India* (*Extraordinary*), Part II, Section 3(ii), No. 409, dated the 26th August, 1985.

MINISTRY OF FINANCE

S. O. 629 (E).—(*New Delhi, the 26th August, 1985*).—In exercise of the powers conferred by sub-section (3) of Section 1 of the **Chit Funds Act**, 1982 (40 of 1982), the Central Government hereby appoints the 1st day of September, 1985 as the date on which the provisions of the said Act shall come into force in the **State of Orissa**.

Published in the *Gazette of India*, (*Extraordinary*), Part II, Section 3(ii), No. 397, dated the 19th August, 1985.

MINISTRY OF COMMERCE

S.O. 611(E)/No. E(C)O, 1977/AM(310).—(*New Delhi, the 19th August, 1985*).—In exercise of the powers conferred by section 3 of the **Imports and Exports (Control) Act, 1947** (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely :—

1. This Order may be called the **Export (Control) Fifteenth Amendment Order, 1985.**

2. In the Export (Control) Order, 1977, in Schedule I.—

(i) In Part 'A', the following item shall be added after serial number 74, namely :—

"75-Human Skeletons and parts thereof".

(ii) In Part 'B', for the entry at serial number 13 (ii) the following shall be substituted, namely :—

"13(ii)—Skeletons, other than human skeletons and parts thereof".

Published in the *Gazette of India* (*Ext.*), Part II, Section3(ii) No. 396, dated August 19, 1985

MINISTRY OF LAW AND JUSTICE

S.O. 610(E).—(*New Delhi, the 19th August, 1985*) —In exercise of the powers confesred by section 1 of the **Dowry Prohibition (Amendment)** Act, **1984** (63 of 1984), the Central Government hereby appoints the 2nd day of October, 1985 as the date on which the said Act shall come into force.

Published in the *Gazette of India*, (*Extraordinary*), Part II, Section 3(i), No. 370, dated August 20, 1985.

MINISTRY OF FINANCE

G. S. R. 668 (E)—(*New Delhi, the 20th August, 1985*)—In exercise of the powers conferred by section 1 of the **Customs Tariff (Second Amendment) Act, 1982** (52 of 1982), the Central Government hereby appoints the 2nd day of September 1985, as the date on which the said Act shall come into force.

Published in the *Gazette of India, (Extraordinary)*, Part II, Section 3(i) No. 403, dated September 6, 1985.

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

G.S.R. 726(E).—(*New Delhi, the 3rd September, 1985*).—Whereas a draft of certain rules further to amend the Petroleum Rules, 1976, was published as required by sub-section (2) and (3) of section 29 of the Petroleum Act, 1934 (30 of 1934), with the notification of the Government of India in the Ministry of Industry (Department of Industrial Development) No. G.S.R. 8(E), dated 27th December, 1984 in the Gazette of India **Extraordinary**, Part II, Section 3, sub-section (i), dated the 2nd January, 1985, inviting objections or suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date of publication of the notification in the Official Gazette ;

And whereas no objection or suggestions were received from the public on the said draft by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 3, sub-section (2) of section 14, section 21 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), the Central Government hereby makes the following rules further to amend the Petroleum Rules, 1976, namely :—

1. (1) These rules may be called the **Petraleum (Amendment) Rules, 1985**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Petroleum Rules, 1976—

(i) in rule 67, after sub-rule (3), the following sub-rule shall be inserted, namely :—

"(4) Petroleum Class A otherwise than in bulk shall not be transported in a trailor attached to any vehicle".

(ii) in rule 70—

(a) for clause (i) of sub-rule (1), the following clause shall be substituted, namely :—

"(i) the engine shall be diesel engine or an internal combustion engine",

(b) after sub-rule (3), the following proviso shall be inserted namely—

"Notwithstanding anything contained in this rule, provisions of sub-rules (1) to (3) except clauses (i) and (iii) of sub-rule (1), shall not apply for transportation of Petroleum Class 'A' otherwise than in bulk exclusively used by helicopters and aeroplanes for perial crop spraying purposes only".

(iii) in rule 71 after the existing proviso, he following tproviso shall be inserted, namely :—

"Provided further that the provisions of this rule except clause (i) and sub-clause (a) of clause (ii) shall not apply for transportation of petroleum class A otherwise than in bulk exclusively used by helicopters and aeroplanes for aerial crop spraying purposes only".

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shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House."

THE CONSTITUTION (FIFTY-FIRST AMENDMENT) ACT, 1984.

The following Act of Parliament, received the assent of the President, and was published in the *Gazette of India* (*Extraordinary*), Part II, Section 1, dated the 29th April, 1985.

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :—

1. *Short title and commencement*—(1) This Act may be called **the Constitution (Fifty-first Amendment) Act, 1984.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 330*—(1) In article 330 of the Constitution, in clause (1), for sub-clause (b), the following sub-clause shall be substituted, namely :—

"(b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam ; and".

(2) The amendment made to article 330 of the Constitution by sub-section (1) shall not affect any representation in the House of the People existing at the commencement of this Act.

3. *Amendment of article 332*—(1) In article 332 of the Constitution, in clause (1), for the words "except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya", the words "except the Scheduled Tribes in the autonomous districts of Assam" shall be substituted.

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Nagaland or the Legislative Assembly of the State of Meghalaya until the dissolution of the Legislative Assembly of the State of Nagaland or the Legislative Assembly of the State of Meghalaya existing at the commencement of this Act.

THE HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President on the 24th May, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 43, dated May 25, 1985.

INDIAN PARLIAMENT ACT NO. 36 OF 1985

An Act further to amend the High Court Judges (Conditions) of Service) Act, 1954 and the Supreme Court Judges (Conditions) of Service) Act, 1958,

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :

1. *Short title.*—This Act may be called **the High Court and Supreme Court Judges (Conditions) of Service) Amendment Act, 1985.**

2. *Amendment of section 22B of Act 28 of 1954.*—In the High Court Judges (Conditions of Service) Act, 1954, in section 22B, for the words "three hundred rupees",the words "five hundred rupees" shall be substituted.

3. *Amendment of Section 23A of Act 41 of 1958.*—In the Supreme Court Judges (Conditions of Service) Act, 1958, in section 23A, for the words "three hundred rupees", the words "five hundred rupees" shall be substituted.

THE TERRORIST AFFECTED AREAS (SPECIAL COURTS) AMENDMENTS ACT, 1985

The following Act of Parliament received the assent of the President on the 26th August, 1985, and was published *in the Gazette of India, Extraordinary*, Part II, Section 1, No. 58 dated August 26, 1985.

INDIAN PARLIAMENT ACT NO. 45 OF 1985

[26th August 1985]

An Act to amend the Terrorist Affected Areas (Special Courts) Act 1984.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short Tittle.*—This Act may be called **the Terrorist Affected Areas (Special Courts) Amendment Act, 1985.**

2. *Inspection of new section 15 A.*—In the Terrorist Affected Areas (Special Courts) Act, 1984 (51 of 1984) (hereinafter referred to as the principal Act), after section 15, the following section shall be inserted, namely :—

"15 A *Abolition of certain Special Courts.*—Where the area comprising a judicial zone has ceased to be a terrorist affected area and no cases are pending before a Special Court or an Additional Special Court established in relation to such judicial zone, the Central Government may, by notification in the Official Gazette abolish such Special Court or Additional Special Court".

2. *Substitution of the Schedule.*—For the Schedule to the principal Act, the following Schedule shall be substituted, namely :—

"THE SCHEDULE

[*See* section 2 (f)]

1. Offences under the following provisions of the Indian Penal Code (45 of 1860) :—

sections 121, 121A, 122 and 123.

2. Offences under the following provisions of the Anti-Hijacking Act. 1982 (65 of 1982) :—

sections 4 and 5.

Note 1.—The offence of criminal conspiracy or attempt to commit, or abetment of, an offence specified in this Schedule shall be deemed to be a scheduled offence.

Note 2.—The commission of an offence specified in this Schedule by any member of an unlawful assembly shall be deemed to be the commission of that scheduled offence by every other member of the unlawful assembly."

4. *Special Courts to cease to exercise jurisdiction with respect to certain cases and transfer of pending cases*—(1) Notwithstanding anything contained in section 7 of the principal Act but subject to the provisions of sub-section (2), after the commenrement of this Act, a Special Court shall not take cognizance of, or have or exercise any jurisdiction with respect to any offence other than an offence mentioned in or connected with an offence mentioned in the Schedule to the principal Act as substituted by section 3 of this Act

(2) Every case which is pending immediateiy before the commencement of this Act before any Special Court and which is in respect of an offence other than an offence mentioned in, or connected with an offence mentioned in, the Schedule to the principal Act as substituted by section 3 of this Act shall, as soon as may be after such commencement, be transferred to a court which would have had jurisdiction but for the enactment of the principal Act to take cognizance thereof and the court to which the case is so transferred may proceed with the case from the stage at which it was at the time of such transfer as if it had originally taken cognizance of the case and the case was pending with it at that time.

(3) This section shall be read as one with the principal Act and words and expressions used in this section shall be construed accordingly.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 1985.

The following Act of the Indian Parliament received the assent of the President and was published in the *Gazette of India*, (*Ext*) Part II, Section 1, dated 29th March, 1985.

INDIAN PARLIAMENT ACT NO. 20 OF 1985

An Act further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 8th day of March. 1985.

2. *Amendment of Section 6.*—In section 6 of the Requisitioning and Acquisition of Immovable Property Act. 1952 (30 of 1952) (hereinafter referred to as the principal Act), in sub-section (1A), for the words "fifteen years" wherever they occur, the words "seventeen years" shall be substituted.

3. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2A), in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

(ii) secondly with effect from the date of expiry of five years, and thirdly with effect from the date of expiry of ten years, from the date on which the revision under sub-clause (i) takes effect."

4. *Repeal and saving.*—(1) The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1985 (2 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE BHOPAL GAS LEAK DISASTER (PROCESSING OF CLAIMS) ACT, 1985.

The following Act of the Indian Parliament received the assent of the President, and was published in the *Gazette of India, (Extraordinary)* Part II, Section 2, dated the 29th March, 1985.

INDIAN PARLIAMENT ACT, NO 21 OF 1985.

An Act, to confer certain powers on the Central Government to secure that claims arising out of, or connected with, the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985.**

(2) It shall be deemed to have come into force on the 20th day of February. 1985.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Bhopal gas leak disaster" or "disaster" means the occurrence on the 2nd and 3rd days of December, 1984, which involved the release of highly noxious and abnormally dangerous gas from a plant in Bhopal (being a plant of the Union Carbide India Limited, a subsidiary of the Union Carbide Corporation, U.S.A.) and which resulted in loss of life and damage to property on an extensive scale ;

(b) "claim" means—

(i) a claim, arising out of, or connected with, the disaster, for compensation or damages for any loss of life or personal injury which has been, or is likely to be, suffered ;

(ii) a claim, arising out of, or connected with, the disaster, for any damage to property which has been, or is likely to be, sustained ;

(iii) a claim for expenses incurred or required to be incurred for containing the disaster or mitigating or otherwise coping with the effects of the disaster ;

(iv) any other claim (including any claim by way of loss of business or employment) arising out of, or connected with, the disaster ;

(c) "claimant" means a person entitled to make a claim ;

(d) "Commissioner" means the Commissioner appointed under section 6 ;

(e) "person" includes the Government;

(f) "Scheme" means a Scheme framed under section 9.

Explanation,—For the purposes of clauses (b) and (c), where the death of a person has taken place as a result of the disaster, the claim for compensation or damages for the death of such person shall be for the benefit of the spouse, children (including a child in the womb) and other heirs of the deceased and they shall be deemed to be the claimants in respect thereof.

3. *Power of Central Government to represent claimants.*—(1) Subject to the other provisions of this Act, the Central Government shall, and shall have the exclusive right to represent, and act in place of (whether within or outside India), every person who has made, or is entitled to make, a claim for all purposes connected with such claim in the same manner and to the same effect as such person.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the purposes referred to therein include—

(a) institution of any suit or other proceeding in or before any court or other authority (whether within or outside India) or withdrawal of any such suit or other proceeding, and

(b) entering into a compromise.

(3) The provisions of sub-section (1) shall apply also in relation to claims in respect of which suit or other proceedings have been instituted in or before any court or other authority (whether within or outside India) before the commencement of this Act:

Provided that in the case of any such suit or other proceeding with respect to any claim pending immediately before the commencement of this Act in or before any court or other authority outside India, the Central Government shall represent, and act in place of, or along with, such claimant, if such court or other authority so permits.

4. *Claimant's right to be represented by a legal practitioner.*—Notwithstanding anything contained in section 3, in representing, and acting in place of, any person in relation to any claim, the Central Government shall have due regard to any matters which such person may require to be urged with respect to his claim and shall, if such person so desires, permit at the expense of such person, a legal practitioner of his choice to be associated in the conduct of any suit or other proceeding relating to his claim

5. *Power of Central Government.*—(1) For the purpose of discharging its functions under this Act, the Central Government shall have the powers of a civil court while trying a suit under the Code of Civil procedure, 1908 (5 of 1908) in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath ;

(b) requiring the discovery and production of any document ;

(c) receiving evidence on affidavits ;

(d) requisitioning any public record or copy thereof from any court or office ;

(e) issuing commissions for the examination of witnesses or documents ;

(f) any other matter which the Central Government may, by notification in the Official Gazette, specify.

(2) Every notification made under clause (f) of sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, nowever, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

6. *Commissioner and other officers and employees.*—(1) For the purpose of assisting it in discharging its functions under this Act, the Central Government may appoint an officer, to be known as the Commissioner for the welfare of the victims of the Bhopal gas leak disaster, and such other officers and employees to assist him as that Government may deem fit.

(2) The Commissioner shall discharge such functions as may be assigned to him by the Scheme.

(3) The Commissioner and such of the officers subordinate to him as may be authorised by the Central Government by notification in the Official Gazette in this behalf may, for the discharge of their functions under the Scheme, exercice all or any of the powers which the Central Government may exercise under section 5.

(4) All officers and authorities of the Government shall act in aid of the Commissioner.

7. *Power to delegate.*—The Central Government may, by notification in the Official Gazette, delegate, subject to such conditions and limitations as may be specified in the notification, all or any of its powers under this Act (excepting the power under section 9 to frame a Scheme) to the Government of Madhya Pradesh or an officer of the Central Government not below the rank of a Joint Secretary to that Government or an officer of the Government of Madhya Pradesh not below he rank of a Secretary to that Government,

8. *Limitation.*—(1) In computing, under the Limitation Act, 1963 (No. 36 of 1963), or any other law for the time being in force, the period of limitation for the purpose of inststuting a suit or other proceeding for the enforcement of a claim, any period after the date on which such claim is registered under, and in accordance with, the provisions of the Scheme shall be excluded.

(2) Nothing in sub-section (1) shall apply to any proceedings by way of appeal.

9. *Power to frame a Scheme.*—(1) The Central Government shall, for carrying into effect the purposes of this Act, frame by notification in the Official Gazette a Scheme as soon as may be after the commencement of this Act.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), a Scheme may provide for all or any of the following matters, namely :—

(a) the registration of the claims under the Scheme and all matters connected with such registration ;

(b) the processing of the claims for securing their enforcement and matters connected therewith ;

(c) the maintenance of records and registers in respect of the claims ;

(d) the creation of a fund for meeting expenses in connection with the administration of the Scheme and of the provisions of this Act ;

(e) the amounts waich the Central Government may, after due appropriation made by Parliament by law in that behalf, credit to the fund referred to in clause (d) and any other amounts which may be credited to such fund ;

(f) the utilisation, by way of disbursal (including apportionment) or otherwise, of any amounts received in satisfaction of the claims ;

(g) the officer (being a judicial officr of a rank not lower than that of a District Judge) who may make such disbursal or apportionment in the event of a dispute.

(h) the maintenance and audit of accounts with respect to the amounts referred to in clauses (e) and (f) ;

(i) the functions of the Commissioner and other officers and employees appointed under Section 6.

(3) Every Scheme framed under sub-section (1) shall be laid, as soon as may be after it is framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Scheme or both Houses agree that the Scheme should not be framed, the Scheme shall thereafter have effect only in such modified form or be no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity or anything previously done under that Scheme.

10. *Removal of doubts.*—For the removal of doubts, it is hereby declared that—

(a) any sums paid by the Government to a claimant otherwise than by way of disbursal of the compensation or damages received as a result of the adjudication or settlement of his claim by a court or other authority, shall be deemed to be without prejudice to the adjudication or settlement by such court or other authority of his claim to receive compensation or damages in satisfaction of his claim and shall not be taken into account by such court or other authority in determining the amount of compensation or damages to which he may be entitled in satisfaction of his claim ;

(b) in disbursing under the Scheme the amount received by way of compensation or damages in satisfaction of a claim as a result of the adjudication or settlement of the claim by a court or other authority, deduction shall be made from such amount of the sums, if any, paid to the claimant by the Government before the disbursal of such amount.

11. *Overriding effect.*—The provisions of the Act and of any Scheme framed thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

12. *Repeal and saving.*—(1) The Bhopal Gas Leak Disaster (Processing of Claims) Ordinance, 1985 (No 1 of 1985), is hereby repealed.

(2) Nothwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE HANDLOOMS (RESERVATION OF ARTICLES PRODUCTION) ACT, 1985

The following Act of the Indian Parliament received the assent of President and was published in the *Gazette of India* (*Ext.*), Part II. Section 1, dated the 29th March 1985.

INDIAN PARLIAMENT ACT NO. 22 OF 1985

An Act to provide for reservation of certain articles for exclusive production by handlooms and for matters connectsd therewith.

Be it enacted by Parliament in the Thirty-sixth Year of Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called **the Handloms (Reservation of Articles for Production) Act, 1985.**

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition.*—In this Act, unless the context otherwise requires,—

(a) "Advisory Committee" means the Advisory Committe constituted under section 4 ;

(b) "handloom" means any loam, other than powerloom ;

(c) manufacturer" includes the producer and processer, and the expression "manufacture" shall be construed accordingly ;

(d) "powerloom" means a loom which is worked by power as defined in clause (g) of Section 2 of the Factories Act 1948 (62 of 1948) ;

(e) "processor"means a person engaged in any ancillary process subsequent to the Production of cloth such as dyeing, bleaching mercerising, celendering, embroidering, printing, raising, cloth embossing or any other finishing process, but does not include a producer, and the expreseion "process" shall be construed accordingly ;

(f) "producer" means a person engaged in the production of cloth on any loom, other than handloom, and shall include a person who owns, works or operations on, a loom for the production of cloth, and the expresion "produce" shall be construed according.

3. *Power to specify articles for exclusive production by handlooms.*—(1) Nothwithstanding anything contained in the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government may, if it is satisfied, after considering the recommendations made to it by the Advisory Committee, that it is necessary so to do for the protection and development of the handloom industry, by an order published in the official gazette, direct from time to time, that any article or class of articles shall, on and from such date as may be specified in the order (hereinafter referred to as the date of reservation), be reserved for exclusive production by

handlooms.

(2) Every order published under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order

4. *Constitution of Advisory Committee.*—(1) The Central Government shall, with a view to determining the nature of any article or class of articles that may be reserved for exclusive production by handlooms, constitute an Advisory Committee consisting of such person as have, in the opinion of that Government the necessary expertise to give advice on the matter.

(2) The Advisory Committee shall, after, considering the following matters, communicate its recommendations to the Central Government, namely :—

(a) the article or class of articles which is being produeed by handlooms for mass consumption ;

(b) the article or class of articles which is being produced traditionally by handlooms ;

(c) the level of employment likely to be generated by the production of the article or class of articles referred to in clause (a) or clause (b) exclusively by handlooms ;

(d) the protection of interests of persons engaged in the handloom industry and the need for the continued maintenance of the industry ; and

(e) such other matters as the Advisory Committee may think fit.

5. *Prohibition of production of articles exclusively reserved for handlooms.*—Where an order has been made under section 3 reserving any article or class of articles for exclusively production by handlooms, such article or class of article shall not, on and from the date of reservation, be produced by any loom, other than handloom :

Provided that any person who, immediately before the date of reservation of any article or class of articles, was engaged in the production of such article or class of articles in any loom, other than handloom may continue to be so engaged till the expiry of three months from the date of such reservation

6. *Power to call for information or to furnish samples.*—(1) The Central Government may, by order, require any manufacturer to furnish, for the purposes of this Act,—

(a) such information in his possession with respect to any manufacturing activity or business carried on by him or any other person to any officer or authority specified by it in such form and within such period as may be specified by that Government in the order :

(b) such samples of any articles manufactured by him or by any other person for inspection by such officer or authority, at such places and within such period as may be specified by it in the order.

(2) Where any order has been issued to any manufacturer under sub-section (1), he shall comply with such order.

7. *Power to enter and inspect.*—Any officer authorised by the Central Government (hereinafter referred to as the authorised officer) may enter, at all reasonable times, any place or premises of any manufacture in which any texile articles are stored, kept or exposed for sale and may require the production for inspection of any books of account, registers, records or other documents kept therein and ask for such information relating to the manufacture, storage or keeping for sale of any such articles or to any powerlooms that may be found in such place as he may think fit for the purposes of carrying into effect the provisions of this Act.

8. *Power to search and seize.*—(1) If the authorised officer has reason to believe that,—

(a) any article or class of articles specified in any order made under section 3 is being produced in any place in contravention of such order; or

(b) any article of class of articles produced in contravention of such order are secreted in any place ; or

(c) any article or class of articles is liable to forfeiuture under this Act,

he may enter into and search place or premises for such article, or class of article or any powerloom which in the opinion of the authorised officer may have been used for the production of such article or class of articles.

(2) Where, as a result of any search made under sub-section (1), any article or class of articles or any powerloom has been found and the authorised officer has reason to believe that such article or class of articles has been produced, or such powerloom has been used for the production of any article or class of articles, in contravention of any order made under section 3, he may seize such article, class of articles or powerloom, together with the package, covering or receptacle, if any, in which such article or class of articles is found :

Provided that where it is not practicable to seize any article or powerloom, the authorised officer may serve on the owner of the article or the powerloom as the case may be, an order that he shall not remove, part with, or otherwise deal with, the article or powerloom except with the previous permission of such authorised officer.

(3) Where any article or powerloom is seized under sub-section (2) and no prosecution has been launched within six months of such seizure, it shall be returned to the person from whose possession it was seized.

(4) The authorised officer may also seize any documents or things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act.

(5) The person from whose custody any documents are seized under sub-section (4) shall be entiled to make copies thereof or take extracts therefrom in the presence of the authorised officer.

(6) If any person legally entitled to the documents or things seized

under sub-section (4) objects, for any reason, to the retention by the authorised officer of the documents or things, he may make an application to the Central Government stating therein the reasons for such objection and requesting for the return of the documents or things.

(7) On receipt of an application under sub-section (6), the Central Government may, after giving the applicant an apportunity of being heard, pass such order as it may think fit.

9. *Search and seizure to be made in accordance with the Code of Criminal Procedure, 1973.*—The provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974), relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.

10. *Penalty for contravention of orders made under section 3.*—Whoever produces any article or class of articles in contravention of an order made under section 3,—

(a) shall be punishable with imprisonment for a terms which may extend to six months or with fine which may extend to five thousand rupees per loom by which the said article or class of articles is produced, or with both, and in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees per loom for every day during which such contravention continues after conviction for the first such contravention ; and

(b) the article or class of articles in respect of which the order has been contravened or any powerloom by the use of which such order is contravened, including any package, covering or receptacle in which the article or class of articles is found, shall be forfeited to the Central Government :

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of any of the articles, powerloom or any package, covering or receptacle, it may, for reasons to be recorded, refrain from doing so.

11. *False statement.*—If any person,—

(a) when required by any order made under section 6 to furnish any information or sample, makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe to be false or does not believe it to be true, or fails to furnish such sample or damages or destroys any article from which such sample was required ; or

(b) when required by the authorised officer under section 7 to produce any books of account, registers, records or other documents, fails to produce, or damages or destroys any such books, registers or other documents,

he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

12. *Attempts and abetment,*—Any person who attempts to contravene or abets the contravention of any order made under section 3 shall be deemed to have contravened that order.

13. *Offences by companies.*—(1) Where an offence under this Act has

been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a co-operative society registered or deemed to be registered under any law for the time being in force, a firm or other association of individuals ; and

(b) "director" in relation to a firm, means a partner in the firm.

14. *Offences to be cognizable* —Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (No. 2 of 1974), every offence punishable under this Act shall be cognizable

15. *Power to delegate.*—The Central Government may, by order, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 18 or to make rules under section 19, shall in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government,

as may be specified in the direction.

16. *Power of Central Government to give directions.*—The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provisions of this Act.

17. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Government or of any State Government or any authorised officer for anything which is in good faith done or intended to be done under this Act or an order made under section 3.

18. *Power to exempt.*—(1) If the Central Government is satisfied that, the demand for any article or class of articles reserved by an order under section 3 outside India is such that it is not possible for the handloom industry to meet such demand or any such article or class of articles is required to be produced for purposes of research or for the development

of markets for such article or class of articles or of the handloom industry generally, it is necessary or expedient so to do, it may, by order published in the Official Gazette, exempt such article or class of articles from the operation of such order, and permit such article or class of articles to be produced by any powerloom solely for the purposes of export or research by such institutions as may be specified in the order.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid. both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

19. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any madification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE COMPULSORY DEPOSIT SCHEME (INCOME TAX PAYERS) AMENDMENT ACT, 1985

The following Act of Parliament received the asent of the President and was published in the *Gazette of India* (*Extraordinary*), Part II, Section I, dated the 30th March, 1985.)

INDIAN PARLIAMENTARY ACT NO. 25 OF 1985

An Act further to amend the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follow :—

1. *Short title.*—This Act may be called **the Compulsory Deposit Scheme (Income-tax Payers) Amendment Act, 1985.**

2. *Amendment of section 8.*—In section 8 of the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974 (38 of 1974), in sub-section (1),—

(a) in the proviso, for the words "Provided that" the words "Provided further that" shall be substituted ;

(b) before the proviso as so amended, the following proviso shall be inserted, namely ;—

"Provided that no depositor shall be entitled to withdraw before the expiry of the financial year 1985-86 any amount which, in accordance with the foregoing provisions of this sub-section, is repayable or payable during that financial year and the provisions of sub-section (2) shall apply in relation to such amount as they apply in relation to any amount referred to in that sub-section".

THE UNION DUTIES OF EXCISE (DISTRIBUTION) AMENDMENT ACT, 1985

The following Act of Parliament, received assent of the President and was published in the *Gazette of India, (Extraordinary)*. Part II, Section I, Dated the 30th March 1985.

INDIAN PARLIAMENT ACT, NO. 26 OF 1985

An Act further to amend the Union Duties of Excise (Distribution) Act, 1979.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follow :—

1. *Short title and commencement.*—(1) This Act may be called **the Union Duties of Excise (Distribution) Amendment Act, 1985.**

(2) It shall come into force on the 1st day of April 1985.

2. *Amendment of long title of Act 24 of 1979.*—In the Union Duties of Excise (Distribution) Act, 1979 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters "interim report dated the 14th day of November, 1983." the words, figures and letters "report dated the 30th day of April 1984" shall be substituted.

3. *Substitution of new section for section 2.*—For section 2 of the principal Act, the following section shall be substituted, namely :—

"2. *Definition.*—In this Act, the expression "distributable Union duties of exercise" means,—

(a) in respect of financial year commencing on the first day of April, 1984, forty per cent of the net proceeds of Union duties of excise, other than on electricity.

(b) in respect of each of the financial years commencing on or after the 1st day of April, 1985, forty-five per cent of the net proceeds of Union duties of excise.

levied and collect under the Central Excises and Salt Act, 1944 (1 of 1944), and any other law for the levy and collection of such duty, unless the law earmarks the proceeds of the duty for any special purpose.

Explanation.—The expression "net proceeds" has the same meaning as in clause (1) of article 279 of the constitution".

4. *Amendment of Section 3.*—Section 3 of the Principal Act shall be re-numbered as sub-section (1) thereof and—

(a) in sub-section (1) as so re-numbered, for the words "be distributed, provisionally,", the words "be distributed" shall be substituted ;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) During the financial year commencing on the 1st day April, 1985 and each of the three succeeding financial years, there shall be paid, out of the Consolidated Fund of India, to the States sums equivalent to the distributable Union duties of excise levied and collected in that year, and,—

(a) eight-ninths of the sums so payable during each such financial year shall be distributed to each of the States specified in column (1) of Table I below in such percentage as is set out against it in column (2) thereof ; and

(b) one ninth of the sums so payable during each such financial year shall be distributed to each of the States specified in coulmn (1) of Table II below in such percentage as is set out against it in column (2) thereof with respect to that financial year.

Table 1

State (1)	Percentage (2)
Andhara Pradesh	8.587
Assam	2.977
Bihar	13.202
Gujarat	3.506
Haryana	1.017
Himachal Pradesh	0.589
Jammu and Kashmir	0.856
Karnataka	5.077
Kerala	3.800
Madhaya Pradesh	8.852
Maharashtra	6.216
Manipur	0.233
Meghalaya	0.194
Nagaland	0.096
Orissa	4.592
Punjab	1.317
Rajasthan	4.695
Sikkim	0.039
Tamil Nadu	7.317
Tripura	0.292
Uttar Pradesh	19.097
West Bengal	7.449

Table II

State (1)	Financial year and percentage (2)			
	1985-86	1986-87	1987-88	1988-89
Assam	12.578	12.713	13.418	12.023
Himachal Pradesh	11.528	12.914	14.098	16.475
Jammu & Kashmir	16.661	17.818	18.560	20.254
Manipur	7.742	8.722	9.545	11.217
Meghalaya	6.180	6.944	7.570	8.863

1	2			
Nagaland	9.944	11.240	12.371	14.482
Orissa	8.154	5.457	3.109	0.598
Sikkim	1.836	2.051	2.232	2.593
Tripura	9.104	10.207	11.162	12.956
West Bengal	16.273	11.934	7.935	0.539"

THE ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President and was published in the *Gazette of India* (*Ext.*), Part II, Section I, dated the 30th March, 1985.

INDIAN PARLIAMENT ACT NO. 27 OF 1985

An Act further to amend the Additional Duties of Excise (Goods of Special Importance) Act, 1957.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Additional Duties of Excise (Goods of special Importance) Act, 1985.**

(2) It shall come into force on the 1st day of April, 1985.

2. *Amendment of long title of Act 58 of 1957*—In the Additional Duties of Excise (Goods of special Importance) Act, 1957 (hereinafter referred to as the principal Act), in the long title, for the words, figures and letters "interim report dated the 14th day of November, 1983", the words, figures and letters "report dated the 30th day of April, 1984" shall be substituted.

3. *Amendment of Second Schedule.*—In the principal Act, in the Second Schedule,—

(a) in paragraphs 1, 2 and 3 the word "provisionally" shall be omitted ;

(b) after paragraph 3, the following paragraph shall be inserted, namely :—

"4. *Sugar, tobacco and fabrics.*—During each of the financial years commencing on and after the 1st day of April 1985, there shall be paid to each of the States specified in column 1 of the Table below such percentage of the net proceeds of additional duties levied and collected during that financial year in respect of sugar, tobacco, cotton fabrics, silk fabrics, woollen fabrics and man-made fabrics after deducting therefrom a sum equal to 2.391 per cent, of the said proceeds as being attributable to Union territories as is set out against it in column 2 :

Provided that if during that financial year there is levied and collected in any State a tax on the sale or purchase of sugar, tobacco, cotton fabrics, silk fabrics, woolen fabrics, and man-made fabrics or one or more of them by or under any law of that State, no sums shall be payable to that State under this paragraph in respect of that financial year, unless the Central Government by special order otherwise directs.

TABLE

State (1)	Percentage (2)
Andhra Pradesh	7.504
Assam	2.566
Bihar	8.627
Gujarat	5.941
Haryana	2.488
Himachal Pradesh	0.663
Jamma and Kashmir	0.853
Karnataka	5.561
Kerala	3.963
Madhya Pradesh	6.942
Mahrashtra	11.461
Manipur	0.178
Meghalaya	0.183
Nagaland	0.098
Orissa	3.653
Punjab	3.675
Rajasthan	4.827
Sikkim	0.039
Tamil Nadu	7.549
Tripura	0.287
Uttar Pradesh	14.318
West Bengal	8.624."

THE NATIONAL SECURITY (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President and was published in the *Gazette of India,* (*Extraordinary*), Part II, Section 1, dated the 29th March, 1985.

INDIAN PARLIAMENT ACT NO. 23 OF 1985.

An Act, further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union territory of Chandigarh.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the National Security (Amendment) Act 1985.**

2. *Amendment of section 14A.*—In the National Security Act, 1980 (65 of 1980), as applicable to the State of Punjab and the Union terriiory of Chandigarh, in sub-section (1) of section 14A, for the figures, letters and words "3rd day of April, 1985", the figures, letters and words "3rd day of April, 1986" shall be substituted.

THE ESTATE DUTY (DISTRIBUTION) AMENDMENT ACT, 1985.

The following Act of Parliament received the assent of the President and was published in the *Gazette of India,* (*Extraordinary*) Part II, Section 1, dated the the 30th March, 1985.

INDIAN PARLIAMENT ACT. NO. 28 OF 1985.

An Act further to amend the Estate Duty (Distribution) Act, 1962.

Be it enacted by Parliament in the Thirty sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Estate Duty (Distribution) Amendment Act. 1985.**

(2) It shall come into force on the 1st day of April, 1985.

2. *Amendment of long title of Act 9 of 1962.*—In the long title of the Estate Duty (Distribution) Act, 1962 (hereinafter referred to as the principal Act), for the words, figures and letters "interim report dated the 14th day of November, 1983", the words, figures and letters "report dated the 30th day of April, 1984" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (1)—

(a) for the words, figures and letters "the financial year commencing on the 1st day of April, 1984", the words, figures and, letters "each of the financial years commencing on and after the 1st day of April, 1984" shall be substituted ;

(b) for the words "be distributed, provisionally", the words "be distributed" shall be substituted.

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President and was published in the *Gazette of India, (Exraordinary)* Part II, Section 1, dated the 29th March, 1985.

INDIAN PARLIAMENT ACT NO. 24 OF 1985.

An Act further to amend the Government of Union Territories Act, 1963.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Government of Union Territories (Amendment) Act, 1985.**

2. *Amendment of section 13.*—In the Government of Union Territories Act, 1963 (20 of 1963), (thereainafter referred to as the principal Act), in section 13, in clause (a) of sub-section (2), for the word and figues "section 14" the words, figures and letter "section 14 or section 14A" shall be substituted.

3. *Insertion of new section 14A.*—After section 14 of the principal Act, the following section shall be inserted, namely :—

"14A *Disqualification on ground of defection for being a member.*—The provisions of the Tenth Schedule to the Constitution shall, subject to the necsssary modifications (including modifications for construing references, therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly of a Union territory, section 11, section 16 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly of a Union territory as they apply to and in reletion to the members of the Legislative Assembly of a State, and accordingly:—

(a) the said Tenth Schedule as so modified shall be deemed to form part of this Act ; and

(b) a person shall be disqualified for being a member of the Legislative Asssmuly of a Union territory if he is so disqualified under the said Tenth Schedule as so modified."

THE APPROPRIATION (RAILWAYS) NO. 2 ACT, 1985.

The following Act of Parliament received the assent of the President on the 9th February, 1985, and was published in the *Gazette of India.* (*Extraordinary*), Part II, Section 1, No. 7, dated February 11, 1985.

INDIAN PARLIAMENT ACT NO. 7 OF 1985.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the finantial year 1984-85 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (Railways) No. 2 Act, 1985.**

(Text omitted)

THE PUNJAB APPROPRIATION ACT, 1985

The following Act of Parliament received the assent of the Preeident of the 9th February, 1985, and was published in the *Gazette of India* (*Ext.*). Part II, Section 1, No. 8, dated February 11, 1985.

INDIAN PARLIAMENT ACT NO. 8 OF 1985

[*9th February, 1985*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year of 1984-85.

Be it enacted by Parliament in the Thirty-sixth Year of the Repubic of India as follows :—

1. *Short title.*—This Act may be called **the Punjab Appropriation Act, 1985.**

(Text omitted)

THE APPROPRIATION (VOTE ON ACCOUNT) ACT, 1985

The following Act of Parliament received the assent of the President on the 29th March, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 17, dated March 29, 1985.

INDIA NPARLIAMENT ACT NO. 14 OF 1985

[29th March, 1985]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 1985-86.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (Vote on Account) Act, 1985.**

(Text omitted)

THE APPROPRIATION (NO. 3) ACT, 1985.

The following Act of Parliament received the assent of the President on the 29th March, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 18, dated the March 29, 1985.

INDIAN PARLIAMENT ACT NO. 15 OF 1985

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (No. 3) Act, 1985.**

(Text omitted)

THE APPROPRIATION (RAILWAYS) NO. 3 ACT, 1985

The following Act of Parliament received the assent of the President on the 29th March, 1985 and was published in the *Gazette of India, Extraordinary*, Part II, Section 1, No. 16, dated the March 29, 1985.

INDIAN PARLIAMENT ACT NO. 16 OF 1985.

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86 for the purposes of Railways.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (Railways) No. 3 Act, 1985.**

(Text Omitted))

THE APPROPRIATION (RAILWAYS) NO. 4 ACT, 1985

The following Act of Parliament received the assent of the President on the 29th March, 1985, and was published in the *Gazette of India, Extraordinary*, Part II, Section 1, No, 20, dated the March 29, 1985.

INDIAN PARLIAMENT ACT NO. 17 of 1985

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1984-85 for the purposes of Railways.

Be a enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (Railways) No. 4 Act, 1985.**

(Text Omitted)

THE PUNJAB APPROPRIATION (VOTE ON ACCOUNT) ACT, 1985

The following Act of Parliament received the assent of the President on the 29th March, 1985, and was published in the *Gazette of India, Exrraordinary*, Part II, Section 1, No. 21, dated the March 29, 1985.

INDIAN PARLIAMENT ACT NO. 18 OF 1985

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State of Punjab for the services of a part of the financial year 1985-86.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Punjab Appropriation (Vote on Account) Act. 1985.**

(Text Omitted)

THE PUNJAB APPROPRIATION (NO. 2) ACT, 1985.

The following Act of Parliament received the assent of the President on the 29th March, 1985 and was published in the *Gazette of India, (Extraordinary)*, Part II, Section 1, No. 22, dated March 29, 1985.

INDIAN PARLIAMENT ACT NO. 19 OF 1985

[29th March, 1985]

An Act to autharise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1984-85.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follow :—

1. *Short title.*—This Act may be called **the Punjab Appropriation** (No 2) **Act, 1985.**

(Text omitted)

THE APPROPRIATION (NO. 4) ACT, 1985.

The following Act of Parliament received the assent of the President on the 16th May, 1985 and was published in the *Gazette of India, (Extraordinary)*, Part II, Section 3(1), No. 36, dated the May 16, 1985.

INDIAN PARLIAMENT ACT. NO. 29 OF 1984.

[16th May, 1985]

An Act to authorise payment and appropriation of certain sums, from and out of the Consolidated Fund of India for the servises of the financial year 1984-85.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (No. 4) Act, 1985.**

(Text omitted)

THE CALCUTTA METRO RAILWAY (OPERATION AND MAINTENANCE) TEMPORARY PROVISIONS ACT. 1985.

The following Act of Parliament received the assent of the President on the 16th February, 1985 and was published in the *Gazette of India, (Extraordinary)*, Part II, Section 1, No. 11 dated February 16, 1985.

INDIAN PARLIAMENT ACT NO. 10 of 1985.

An Act to make temporary provisions for the operation and maintenance of the Calcutta metro railway and for matters connected therewith, pending the making of regular arrangements for such operation and maintenance.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, commencement and application.*—(*1*) This Act may be called **the Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Act, 1985**.

(2) It shall be deemed to have come into force on the 22nd day of October, 1984.

(3) It shall apply to the metropolitan city of Calcutta.

2. *Definitions*—(1) In this Act, unless the context otherwise requires,—

(a) "Calcutta metro railway administration" or "metro railway administration" means the General Manager of the metro railway appointed under section 3 of the Construction Act ;

(b) "commissioner" means a commissioner of the metro railway appointed under section 27 of the Construction Act ;

(c) "Construction Act" means the Metro Railways (Construction of Works) Act, 1978 (33 of 1978) ;

(d) "metro railway" means such portion of the metro railway constructed in the metropolitan city of Calcutta under the provisions of the Construction Act as may, for the time being. be available for public carriage of passengers, and includes—

(i) all land within the boundary marks indicating the limits of the land appurtenant to the metro railway ;

(ii) all lines of rails, sidings, yards or branches worked over for the purposes of, or in connection with, the metro railway ;

(iii) all stations, offices, ventilation shafts and ducts, warehouses, workshops, manufactories, fixed plants and machineries, sheds, depots and other works constructed for the purpose of, or in connection with, the metro railway ;

(e) "prescribed" means prescribed by rules made under this Act.

(2) All other words and expressions used herein and not defined but defined in the Indian Railways Act, 1890 (9 of 1890) or the Metro Railways (Construction of Works) Act, 1978 (33 of 1978) shall have the meanings, respectively, assigned to them in those Acts.

CHAPTER II

The Calcutta Metro Railway Administration

3. *Calcutta metro railway administration to be responsible for the operation and maintenance of the metro railway.*—(1) Subject to the other provisions of this Act, the Calcutta metro railway administration shall be responsible for the operation and maintenance of the metro railway.

(2) The Calcutta metro railway administration may, for the efficient performance of its functions under this Act, appoint such officers and other employees as it considers necessary on such terms and conditions of services as may be prescribed.

4. *Previous sanction of the Central Government required for the opening of metro railway.*—(1) No metro railway shall be opened for the public carriage of passengers except with the previous sanction of the Central Government.

(2) Before giving its sanction under sub-section (1), the Central Government shall, after considering the report given (whether before or

after the commencement of this Act) by the commissioner under clause (a) of sub-section (2) of section 27 of the Construction Act and other relevant factors, satisfy itself that the metro railway can be opened without danger to the public using it.

(3) A sanction given under this section may be either absolute or subject to such conditions as the Central Government thinks necessary for the safety of the public.

(4) Where any sanction for the opening of the metro railway under this section is given subject to any conditions, such railway shall not be worked or used until such conditions are fulfilled to the satisfaction of the Central Covernment.

CHAPTER III

Special provisions for the running of the Metro Railway

5. *Carriage of goods.*—(1) No person shall, while travelling in the metro railway, carry with him any goods other than a small baggage containing personal belongings not exceeding such volume and weight as may be prescribed.

(2) Where any person travels in the metro railway in contravention of the provisions of sub-section (1). he shall, notwithstanding that he holds a valid pass or ticket for any travel in such railway, be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf or by other person whom such metro railway official may call to his aid.

6. *Reservation of compartments for females not necessary.*—It shall not be necessary for the metro railway administration to reserve any compartment in any train for the exclusive use of females.

7. *Dangerous or offensive goods.*—(1) No person shall take or cause to be taken any dangerous or offensive goods upon the metro railway.

(2) If any metro railway official has reason to believe that any such goods are contained in a package in the custody of any passenger, he may cause the package to be opened for the purpose of ascertaining its contents.

8. *Penalty for taking or causing to take offensive or dangerous goods upon the metro railway.*—(1) If, in contravention of sub-section (1) of section 7, a person takes or causes to be taken any offensive goods upon the metro railway, he shall be punishable with fine which may extend to five hundred rupees.

(2) If, in contravention of sub-section (1) of section 7, a person takes or causes to be taken any dangerous goods upon the metro railway, he shall be punishable with imprisonment for a terms which may extend to four years and with fine which may extend to five thousand rupees.

(3) In addition to the penalities specified in sub-section (1) or sub-section (2), a person taking or causing to be taken any offensive goods or dangerous goods upon the metro railway shall be responsible also for any loss, injury or damage which may be caused by reason of such goods having been so brought upon the metro railway.

9. *Smoking in compartments, etc.*—(1) No person shall smoke in any compartment or carriage of the metro railway or in any underground metro railway station.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

(3) If any person persists in so smoking after being warned by any metro railway official to desist, he may, in addition to incurring the liability mentioned in sub-section (2), be removed from the compartment or carriage in which he is travelling or from the underground station at which he may be found smoking by any metro railway official authorised by the metro railway administration in this behalf.

10. *Drunkenness or nuisance upon the metro railway.*—(1) If any person,—

(a) is in a State of intoxication ; or

(b) commits any nuisance or act of indecency, or uses obscene or abusive language ; or

(c) wilfully or without excuse interferes in any way with the comfort of any passenger,

in any carriage or upon any part of the metro railway, he shall be punishable with fine which may extend to two hundred and fifty rupees and shall also be liable to forfeiture of the fare which he may have paid or any pass or ticket which he may have obtained or purchased, or be removed from such carriage or part by any metro railway official authorised by the metro railway administration in this behalf.

(2) If any metro railway official is in a state of intoxication while on duty. he shall be punishable with fine which may extend to two hundred and fifty rupees, or, where the improper performance of the duty would be likely to endanger the safety of any passenger travelling or being upon the metro railway, with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both

11. *Prohibition of demonstrations upon the metro railway.*—(1) No demonstration of any kind whatsoever shall he held on any part of the metro railway or other premises thereof and it shall be open to the metro railway administration to exclude from such premises any person attending such demonstrations whether or not he is in possession of a pass or ticket entitling him to be in the said premises.

(2) No person shall paste or put up any poster or write or draw anything or matter in any compartment or carriage of the metro railway or any premises thereof, without any lawful authority and any person found engaged in doing any such act may be removed from the compartment, carriage or premises by any metro railway official authorised by the metro railway administration in this behalf.

(3) Whoever contravenes any of the provisions of sub-section (1) or sub-section (2), or being asked by any metro railway official to leave any compartment, carriage or premises refuses to do so, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

12. *Penalty for travelling on roof, etc. of a trian.*—If any passenger travells on the roof of a train or persists in travelling in any part of a

12. *Assessment of tax on escaped annual value.*—(1) The Assessing Authority may, on having reason to believe or suspect that the whole or part of the annual value of a land has escaped assessment to tax, issue a notice to the land-holder directing him to appear and show cause as to why determination of the annual value and assessment of tax so escaped be not made :

Provided that no such notice shall be issued after the expiry of five years from the close of the year in regard to which the annual value is believed or suspected to have escaped :

Provided further that the period during which the proceedings were stayed by the orders of a competent Court shall be excluded from the said period of five years.

(2) After affording reasonable opportunity of being heard to the land-holder and making such enquiry as may be considered necessary. the Assessing Authority may either vacate the notice issued under sub-section (1) or proceed to assess or re-assess the tax.

Explanation.—Nothing in this section shall be deemed to prevent the Assessing Authority from making an assessment to the best of his judgement.

13. *Transfer of land.*—(1) Whenever the title or rights in land of any person liable to pay tax are transferred, such person shall, within ninety days from the date of transfer, give notice of such transfer to the Assessing Authority in such form and manner as may be prescribed.

(2) In the event of death of the person liable to pay tax, the legal representatives of the deceased shall, within ninety days of such death, give notice of such death to the Assessing Authority in such form and manner as may be prescribed.

(3) A person making a transfer, as mentioned in sub-section (1) without giving notice to the Assessing Authority, shall continue to be liable to pay tax until he gives such notice or until the transfer is recorded by the Assessing Authority in his records. Nothing, however, shall affect the liability of the transferee with regard to the payment of tax.

CHAPTER III

Appeals, Revision, Review and Refund

14. *Appeals.*—(1) A land-holder aggrieved by an assessment of tax made by the Assessing Authority may, within sixty days of the receipt of notice of demand relating to the amount of tax, present an appeal before the Appellate Authority :

Provided that no appeal shall be entertained under this sub-section unless it is accompanied by a satisfactory proof of the payment of tax or other amounts admitted by the Appellant to be due from him :

Provided further that the Appellate Authority may admit an appeal after the said period of sixty days if it is satisfied that the appellant has sufficient cause for not presenting the appeal within the said period.

(2) The Appellate Authority may, after giving reasonable opportunity of being heard to the land-holder presenting appeal and to the Assessing Authority, confirm, vary amend or set aside the order of assessment and may maintain, reduce or enhance the amount of tax, interest or penalty.

(3) The Assessing Authority may be directed by the Appellate Authority to make further enquiry and send report with regard to the assessment of the amount of tax under appeal.

(4) The Appellate Authority may remand a case for a fresh assessment to the Assessing authority with such direction as it may consider necessary and the Assessing Authority shall make afresh assessment in accordance with such directions.

(5) The amount of tax as assessed by the Assessing Authority shall subject to the provision contained in section 25, be paid by the land-holder in accordance with the order against which the appeal has been presented. and the payment of such amount shall not be stayed by the Appellate Authority.

15. *Revision*.—The Board of Revenue may, on an application being filed before it within 30 days of the date of order made by the Appellate Authority or of its own motion, call for the records of any proceedings under this Act and revise any order of the appellate Authority or make such order as it may think fit.

16. *Review*.—An order made under this Act may, for rectifying an error or mistake apparent on the face of the record or for other sufficient reasons, be reviewed by the Authority which made such order :

Provided that no order shall be reviewed which has the effect of increasing the tax without giving a reasonable opportunity of being heard to the land-holder.

17. *Refund*.—The amount of tax, interest or penalty paid in excess by a land holder shall be refunded to him or adjusted towards any other demand existing against him under this Act.

CHAPTER IV

Accounts, Penalty, Entry and Seizure

18. *Maintenance of accounts*.—(1) Every land-holder liable to pay tax shall maintain books of account and keep proper account in regard to his business or land on the basis of which annual value is to be determined and tax is to be assessed under this Act.

(2) The books of account maintained by a land-holder shall, on being so directed by the Assessing Authority, Appellate Authority or the revising Authority, be produced by the land-holder or the person having the custody of such accounts for being examined by such Authority.

19. *Offences and penalties*.—Where a land-holder—

(a) fails to obtain registration within the time prescribed under section 6 ;

(b) omits or fails to file prescribed returns within the time prescribed under section 7 ;

(c) furnishes deliberately incorrect returns or conceals material particulars therein ; or

(d) acts in contravention of any provision of this Act or the rules made thereunder,—

he shall be, after being afforded by the Assessing Authority a reasonable opportunity of being heard, liable to pay, in addition to tax, such penalty as may be imposed by such Authority :

Provided that the amount of penalty shall, in the cases falling under clause (a) or (b) or (d), not exceed one thousand rupees and in the cases falling under clause (c) shall not exceed double the amount of tax which would have been avoided if the return filed by the land holder had been accepted as correct.

20 *Production of documents and power of entry and seizure.*—(1) The Assessing Authority may direct a land-holder or any other person having the custody of books of accounts, registers or other documents relating to a land or its annual value to produce such books, registers or documents before it.

(2) The Assessing Authority or any other officer specially authorised by the State Government in this behalf may enter into or upon any land or building for its inspection or inquiry into the annual value of the land and may, for reasons to be recorded in writing, also seize any books of accounts, registers and documents kept or maintained thereby a land-holder liable to pay tax.

CHAPTER V

Miscellaneous

21. *Survey of lands.*—(1) An officer specially authorised in this behalf by the State Government shall carry out survey of all lands in the area specified in the order so authorising him and, if such lands have already been surveyed, carry out re-survey of such lands for the purposes of this Act.

(2) The survey or re-survey shall be carried out in accordance with the rules made by the State Government in this behalf.

22. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against any Authority or Officer acting under the provisions of this Act or the rules made thereunder for anything done in good faith.

23 *Bar to certain proceedings.*—Save as otherwise provided in this Act, no orders made, actions taken and proceedings initiated under this Act shall be called into question in any civil court or any other court or tribunal or before any Authority.

24. *Powers of the State Government.*—(1) For carrying out the purposes of this Act, the State Government may appoint such number of officers with appropriate designations as it may consider necessary.

(2) The State Government may, by Notification in the Official Gazette empower any officer of the State Government (including any officer of any local authority) to exercise such powers, discharge such duties and perform such functions under this Act in respect of such class of persons or class of lands or such areas as may be specified.

25. *Power of stay by Director.*—Where an appeal has been presented by a land holder under section 14, the Director may, on an application in writing from the land-holder, stay the recovery of the disputed amount of tax, penalty or interest or any part thereof during the pendency of appeal if the land-holder furnishes sufficient security to the satisfaction of the Assessing Authority in such form and in such manner as may be prescribed :

Provided that where the recovery of an amount of tax, penalty or interest or a part thereof is stayed, such amount shall be recoverable with interest calcaluted at the rate prescribed in section 11 on the amount ultimately found due from the date on which such amount first became due.

26. *Power to make rules*.—(1) The State Government may, from time to time, make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) compelling the submission of returns and the production of documents and enforcing the attendance of persons and examining them on oath or affirmation;

(c) prescribing fees for the purposes of filing appeals and revisions;

(d) the value of court fee stamps required for applications and other proceedings under this Act;

(e) the appointment, duties and powers of officer appointed for the purposes of enforcing the provisions of this Act;

(f) generally regulating the procedure to be followed and the forms to be adopted in the proceedings under this Act; and

(g) the recovery of tax, penalty, interest or fee payable under this Act.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature while it is in session for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect.

THE RAJASTHAN EXCISE (AMENDMENT) ACT, 1985

The following Act of the Rajasthan State Legislature received the assent of the Governor on 6th day of August, 1985 and was published in the *Rajasthan Gazette, (Extra.)*, Part 4 (Ka) dated August 6, 1985

ACT NO. 8 OF 1985

An Act further to amend the Rajasthan Excise Act, 1950.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title and commencement*.—(1) This Act may be called the **Rajasthan Excise (Amendment) Act, 1985.**

(2) Section 3 of this Act shall come into force at once and the remaining sections shall be deemed to have come into force on the 4th day of May, 1985.

2. *Insertion of new clause (17-A) in section 3, Rajasthan Act 2 of 1950*.—After clause (17) of section 3 of the Rajasthan Excise Act 1950 (Rajasthan Act 2 of 1950), hereinafter referred to as the principal Act, the following new clause (17-A) shall be inserted, namely :—

"(17-A) "Molasses" means the mother liquor produced in the final stage of the manufacture of sugar or Khandsari sugar by the vacum pan process or open pan process from sugar cane or gur.".

3. *Substitution of section 30-A, Rajasthan Act 2 of 1950*.—For the existing section 30-A of the principal Act, the following shall be substitu-

ted, namely :—

"30-A *Interest payable on failure to pay excise revenue.*—If the amount of any duty, fee or other demand due against any person under this Act or the rules made thereunder is not paid till the due date as prescribed, he shall be liable to pay on the amount due simple interest at the rate of one per cent per month where the default continues for not more than three months and at the rate of one and-a-half per cent per month where the default continues for more than three months from the dav next following the day on which the payment of such duty, fee or demand became due :

Provided that where as a result of any order of the competent authority, the amount on which the interest was payable under this section has been reduced, the interest shall be reduced accordingly and the excess interest paid, if any, shall be refunded.",

4. *Amendment of section 41, Rajasthan Act 2 of 1950.*—In clause (d) of sub-section (2) of section 41 of the principal Act, after the expression "excisable article", the expression "or molasses" shall be added.

5. *Repeal aud savings.*—(1) The Rajasthan Excise (Amendment) Ordinance, 1985 (Ordinance No. 1 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

THE RAJASTHAN AGRICULTURAL CREDIT OPERATIONS (REMOVAL OF DIFFICULTIES) (AMENDMENT) ACT 1985

The following Act of the Rajasthan State Legislature received the assent of the Governor on 7th August, 1985 and was published in the *Rajasthan Govt. Gazette, (Extra)* Part 4(Ka) dated 8th August, 1985.

ACT NO. 9 OF 1985

An Act further to amend the Rajasthan Agricultural Creait Operations (Removal of Difficulties) Act, 1974.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Rajasthan Agricultural Credit Operations (Removal of Difficulties) Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 8th day of May 1985.

2. *Amendment of section 2, Rajasthan Act 22 of 1974.*—In section 2 of the Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act 1974 (Rajasthan Act 22 of 1974), hereinafter referred to as the principal Act, in clause (a), between the words "poultry farmers" and the words "and other categories", the expression "landless labourers, rural artisan" shall be inserted.

3. *Amendment of section 13, Rajasthan Act 22 of 1974*—In sub-section (1) of section 13 of the principal Act,—

(i) between the expression "or his heir or legal representative" and the expression "or his heir or legal representative" and the expression "directing the payment", the words "or his guarantor" shall be inserted ;

(ii) after the expression "charged or mortgaged", wherever occurring, the expression "or of any other property in his possession" shall be inserted; and

(iii) in the proviso to the said sub-section, between the words "the heir or legal representative" and the words "of the agriculturist", the words "or the guarantor" shall be inserted.

4. *Omission of section 16, Rajasthan Act 22 of 1974.*—Section 16 of the principal Act shall be deleted,

5. *Repeal and Savings*—(1) The Rajasthan Agricultural Credit Operations (Removal of Difficulties) (Amendment) Ordinance, 1985 (Ordinance No 2 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

THE RAJASTHAN IMPOSITION OF CEILING ON AGRICULTURE HOLDINGS (AMENDMENT) ACT, 1985

The following Act of the Rajasthan State Legisture received the assent of the Governor on 7th August, 1985 and was published in the *Rajasthan Govt. Gazette, (Ext.)*, Part 4(Ka), dated 8th August. 1985.

ACT NO. 10 OF 1985

An Act further to amend the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973.

Be it enacted by the Rajasthan State Legislature in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Rajasthan Imposistion of Ceiling on Agricultural Holdings (Amendment) Act, 1985,**

(2) It shall be deemed to have come into force on the 13th day of May, 1985.

2. *Insertion of new section 15-B in Rajasthon Act 11 of 1973.*—After section 15-A of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act. 1973, the following new section shall be inserted, namely :—

"15-B. *Validation of decisions by and proceedings before certain Additional Collectors.*—Notwithstanding anything contained in sub-section (1) or sub-section (2) of section 15 or in any decision of any court,—

(a) such Additional Collectors, as had, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1985, re-opened any matters referred to in sub-section (1) or sub-section (2) of section 15 and had decided them afresh or before whom such matters are pending for decision on the date of such commencement, shall. with respect to such matters, be deemed and be always deemed to have been directed by the State Government under and in accordance with and for the purposes laid down in the said sub-sections ;

(b) all things done, actions taken, decisions given, directions issued, and orders passed by such Additional Collectors with respect to such commencement shall be deemed to be and be always deemed to have been validly done, taken, given, issued or as the case may be, passed by them ; and

(c) the existence, and validity of any such things done, actions taken, decisions given, directions issued or, as the case may be, orders passed with respect to such matters shall not be called in question in any court or tribunal or before any authority on the ground that no direction under and in accordance with sub-section (1) of sub-section (2) of section 15 was issued or for any other defect or want of appointment, form, procedure or jurisdiction.".

3, *Repeal and Savings* —(1) The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1985 (Ordinance No. 3 of 1985) is hereby repealed.

2. Notwithstanding such repeal, all things done, actions taken or orders made under the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or made under the principal Act as amended by this Act.

THE RAJASTHAN NURSES MIDWIVES, HEALTH VISITORS AND AUXILIARY NURSE-MIDWIVES REGISTRATION (AMENDMENT) ORDINANCE, 1985.

The following Ordinance made and promulgated by the Governor on the 2nd day of September, 1985 was Published in the *Rajasthan Gazette, Extra.* Part 4 (Kha), dated September 3, 1985

ORDINANCE NO. 6 OF 1985

An Ordinance further to amend the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964

Whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action ;

Now, therefore, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, the Governor is hereby pleased to promulgate in the Thirty-sixth Year of the Republic of India, the following Ordinance, namely :—

1. *Short title and commencement.*—(1) This Ordinance may be called **the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration (Amendment) Ordinance, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 4, Rajasthan Act 9 of 1964.*—In the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964 (Rajasthan Act 9 of 1964), in sub-section (1) of section 4,—

(a) in clause (a),—

(i) for the existing sub-clause (ii), the following shall be substituted, namely :—

"(ii) the Additional Director of Medical and Health Services, Rajasthan, Jaipur ;" and

(ii) for the existing sub-clause (iv), the following shall be substituted, namely :—

"(iv) the State Family Welfare Officer, Rajasthan, Jaipur", ; and

(b) in clause (b), for the existing sub-clause (v), the following shall be substituted, namely :—

"(v) the Nursing Superintendent of Santokba, Durlabhji Memorial Hospital, Jaipur ; and".

O P. MEHRA,
Governor of Rajasthan

Published in *the Rajasthan Gazette, Extraordinary* Part IV (Ga), dated August 1, 1985.

FINANCE (GR IV DEPARTMENT

G.S.R. 46 —(*Jaipur, August 1, 1985*).—In exercise of the powers conferred by section 26 and all other enabling provisions of the Raiasthan Land Tax Act, 1985 (Rajasthan Act 6 of 1985), the State Government hereby makes the following rules, namely :—

THE RAJASTHAN LAND TAX RULES, 1985.

CHAPTER I

1. *Short title, extent and commencement.*—(1) These rules may be called **the Rajasthan Land Tax Rules, 1985**.

(2) They shall extend to the whole of the State of Rajasthan.

(3) They shall come into force on the date their publication in the Official Gazette.

2. *Definition.*.—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Rajasthan Land Tax Act, 1985 ;

(b) "Agent" means a person authorised in writing by the land holder to appear on his behalf before any authority under the Act ;

(c) "form" means a form appended to these rules ;

(d) "Government" means the Government of Rajasthan ;

(e) "section" means a section of the Act ;

(f) "treasury" means a Government Treasury in the State of Rajasthan and includes a sub-treasury.

(2) Words and expressions defined in the Act but not defined in these rules have the meanings respectively assigned to them in the Act.

CHAPTER II

Registration of Land Holders

3. *Application for Registration.*—(1) An application for registration, as required to be made by a land holder under sub-section (1) of section 6; shall be made separately in respect of each land and for each type of such purpose as are referred to in clause (g) of section 2, except that in respect of all lands held or used for the purpose mentioned in sub-clause (i) of clause (a) of section 2 only one application shall be required for registration.

(2) Where a land holder has more than one land for the purpose mentioned in sub-clause (i) of clause (a) of section 2, he shall show in the application for registration any one land with the details of its location as principal land and any one office (with full address), where he shall keep his books of accounts, as principal office ; and both of such lands and office shall be so shown by him as to fall under the territorial jurisdiction of the same assessing authority.

4 *Form of application for registration.*—Every application for registration shall be made in Form L. T. I., and shall be accompanied by a receipt

of all books kept by the Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Corporation and may require from any director or officer of the Corporation such information as they may think necessary for the performance of their duties as auditor.

(3) The auditors shall make a report to the Corporation upon the annual balance sheet and accounts examined by them and in every such report shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing necessary particulars and properly drawn up so as to exhibit a true and fair view of the state of affairs of the Corporation.

(4) The Corporation shall furnish to the State Government a copy of its balance-sheet and accounts together with a copy of the report made by auditors under sub-section (3) and a report on the working of the Corporation during the relevant period, within four months from the date on which its accounts are closed and balanced.

(5) Copies of the reports referred to in sub-section (4) shall be laid by the State Government, as soon as may be. before the State Legislature.

CHAPTER V

Micellaneous

22. *Advisary Committee.*—(1) The State Government may from time to time constitute an Advisory Committee consisting of such number of persons as it may think fit and on such terms and conditions as may be prescribed.

(2) The Corporation may, if it thinks fit, consult the Advisory Committee on any business coming before it and shall do so in respect of such business as the State Government may, by general or special order in this behalf specify or when required by the regulations so to do.

(3) The Advisory Committee shall meet at such intervals as may be prescribed, and for the transactions of urgent business on such other occassions as the Chairman of the Corporation may require.

(4) The number of members necessary to constitute a quorum at the meeting of Advisory Committee shall be such as the State Government when constituting the Committee may specify.

23 *Recovery of money due to Corporation.*—(1) Where any amount is due to the Corporation from any person in respect of advances or other financial accomodation granted by it such amount shall, on a certificate being granted by the managing director in the prescribed form, be recoverable as arrears of land revenue by the Collector of the district in which the person from whom the amount is due resides or carries on business or owns any property.

(2) Before issuing the certificate referred to in sub-section (1), the managing director shall make an application to such officer, as may be empowered by the State Government in this behalf and that officer shall, after giving an opportunity of being heard to the person concerned and after such further enquiry as he may consider necessary, by an order determine the amount due to the Corporation and communicate the same to the managing director.

(3) An appeal against an order passed by the officer empowered under sub-section (2) shall lie within such period and to such authority as may be prescribed.

(4) The officer empowered under sub-section (2) and the appellate authority shall follow such procedure as may be prescribed.

(5) The certificate issued by the managing director under sub-section (1) shall be final and conclusive and shall not be called in question before any authority or court.

(6) For the purpose of recovering any amount due to the Corporation in respect of a loan it shall not be necessary to proceed against the principal before proceeding against his surety.

24. *Dissolution.*—(1) No provision of law, other than this Act relating to the winding up, dissolution or liquidation of the companies or corporation shall apply to the Corporation

(2) The State Government may, if the Corporation fails to carry out its functions or exceeds its powers, or upon receipt of a report under section 21, call upon the Corporation to show cause why it should not be dissolved and if no explanation is offered within the specific period or if the State Government is not satisfied with the explanation, the State Government may dissolve the Corporation from such date as may be specified.

25. *Consequence of dissolution of Corporation.*—(1) When the Corporation is dissolved under section 24,—

(i) all directors shall, from the date of dissolution, vacate their offices ;

(ii) all powers and duties of the Corporation shall, during the period of dissolution, be exercised and performed by such person as the State Government may appoint in this behalf ;

(iii) all funds and other property vested in the Corporation shall, during the period of dissolution, vest in the State Government.

(2) The State Government may reconstitute the Corporation after such period as it may think fit.

26. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against the Corporation or any director including the managing director, or any officer or other employee or any other person authorised by the Corporation to discharge any functions under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done by him in pursuance of this Act.

27. *Indemnity to directors.*—(1) Every director shall be indemnified against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director shall not be responsible for the acts of any other director or for the acts of any officer or other employee of the Corporation or for any loss or expenses resulting to the Corporation by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Corporation in good faith, or by the insolvency or wrongful act of any debtor or any person under obligation to the Corporation, or anything done in good faith, in the execution of the duties of his office or in relation thereto.

23 *Power of Corporation to make regulations.*—(1) The Corporation may make regulations not inconsistent with the provisions of this Act and rules made thereunder, to provide for all matters for which provisions is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations, may provide for all or any of the following matters, namely :—

(a) the time and place of meetings of the Corporation and the procedure to be followed in relation to such meetings including the quorum necessary for the transaction of business ;

(b) the duties which the managing director shall perform ;

(c) the duties, conduct, salaries, allowances and conditions of service of officers and other employees of the Corporation ;

(d) the delegation of powers and functions to the officers and other employees of the Corporation ;

(e) the establishment and maintenance of provident and other benefit funds for the officers and employees of the Corporation ;

(f) any other matter which is, or may be, necessary for efficient conduct of the affairs of the Corporation.

29. *Power of State Government to make rules.*—(1) The State Government may, by notification published in the Official Gazette, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the term and conditions of services of the directors and the fees and allowances payable to them ;

(b) functions, in addition to those specified in sub-section (2) of section 17, to be discharged by the Corporation and the conditions and restrictions subject to which those functions shall be discharged ;

(c) the form and manner in which accounts shall be maintained and the balance-sheet and income and expenditure account shall be prepared ;

(d) the form in which certificate shall be issued by the managing director, the period within which and the authority before whom an appeal shall be filed, and procedure to be followed by the appellate authority under section 23.

(e) any other matter which is required to be or may be prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

SCHEDULE

[*See* clause (b) of section 2]

1. Agri.
2. Ahir, Ayar-Boricha.
3. Bafan (Muslim).
4. Barot, Vahivancha Charan Gadhvi.
5. Bavri or Baori.
6. Bawa :—Atit Bawa, Goswami, Vairagi Bawa, Gosai, Dashnam Goswami, Ramanadi, Puri, Bharti, Kapdi, Nath Bawa, Bharathari, Margi, Gangajalia, Dashnami Bawa, Giri.

7. Bhalia.
8. Bhamta, Pardeshi-Bhamta.
9. Bharwad, Motabhai Bharwad, Nanabhai Bharwad.
10. Bhoi, Bhoiraj, Dhimar, Zinga Bhoi, Kevat Bhoi, Bhanara Bhoi, Machhindra Bhoi, Palewar Bhoi, Kirat Bhoi, Kahar Bhoi, Pardeshi Bhoi, Shrimali Bhoi.
11. Charan Gadhvi.
12. Chhara, Adodia, Sansi,
13. Chunara.
14. Chuvalia Koli.
15. Dabgar.
16. Divecha Koli.
17. Dafer (Hindu and Muslim).
18. Dhobi.
19. Fakir or Faquir (Muslim).
20. Gadhai (Muslim).
21. Gadalia or Gadi Luharia.
22. Galiara (Muslim).
23. Ghanchi (Muslim).
24. Ghedia Koli.
25. Gola-rana.
26. Hingora (Muslim).
27. Julaya, Garana, Taria and Tari (all muslims).
28. Jat (Muslim).
29. Kaikadi
30. Kambadia Bhagat.
31. Kangasia.
32. Khatki or Kasaai, Chamadia Khatki, Halari Khatki (all Muslims).
33. Khatik.
34. Khant.
35. Kharwa-Bhadela.
36. Khristi, Gujarati-Christian (Converts from Scheduled Castes only).
37. Koli, Idaria Koli, Kharwa-Koli, Rathwa-Koli, Baria-Koli. Dhebaria-Koli.
38. Labana, Mehravat, Goti, Hadkashi, Zod, Dhinga, Pelya, Shatbai, Baman.
39. Lodha.
40. Mir, Dhabhi, Langha, Misrasi (all muslims).
41. Machhi (Hindu), Kharwa, Khalas, Dhimar, Dhivar, Bitna, Tandel Mangela, Chalasi, Sarang, Kahar.
42. Madari, Nath, Bharathari.
43. Majothi Kumbhar, Darban or Darban Majothi (all muslims.)
44. Makrani (Muslim.)
45. Matwa or Matwa-Kureshi (muslim), Gavli (Hindu).
46. Me or Meta.
47. Mena (Bhil).
48. Mer.
49. Miyana (Muslim).
50. Nat, Nat-Bajania, Bajigar, Natada.
51. Od.

52. Padmashali-Pattushali.
53. Pinjara, Ghanchi-Pinjara, Mansuri-Pinjara (all muslims).
54. Rabri, Bhopa, Kodiator, Sorathia, Champya.
55. Rathodia.
56 Raval-Ravalia, Jati or Raval Yogi, Rawal Jati, Jagaria.
57. Salat (excluding Sompura Salat), Ghera.
58. Sandhi (Muslim).
59. Sarania.
60. Sargara.
61. Sharawan, Sarwan.
62. Shikligar.
63. Siddi.
64. Sipai, Paini Jamat or Turk Jamat (All Muslims).
65. Talpada Koli.
66. Tankar.
67. Targala, Bhavaiya, Nayak, Bhojak.
68. Thakarda, Thakore, Patanwadia, Dharala, Baria.
69. Theba (Muslim).
70. Nadi.
71. Vahivancha Dharan-Gadhvi of Harijan Vankar and Chamar.
72. Valand, Nayi and Babar (Hindu), Hajam, Khalipha (Muslim).
Vankar-Sadhu.
74. Vansfoda, Vansfodia or Vanza.
75. Vanzara, Shinagwada and Kangsiwala (Hindu) and Vanzara (Muslim) of Dangs District only.
76. Waghari, Dataniya Waghari, Vedu Waghari, Talpada Waghari, Gamachia Waghari, Godadia Waghari, Chibhadia Waghari, Marwada or Marwada Waghari.
77. Wagher (Hindu and Muslim).
78. Wandhara.

THE GUJARAT PREVENTION OF ANTI-SOCIAL ACTIVITIES ACT, 1985.

The following Act of the Gujarat Legislature having been assented to by the President on the 1st August, 1985 was published in the *Gujarat Govt. Gazette* Part IV, dated the 2nd August, 1985.

GUJARAT ACT NO. 16 OF 1985

An Act to provide for preventive detention of boot-leggers, dangerous persons, drug offenders, immoral traffic offenders and property grabbers for preventing their anti-social and dangerous activities prejudicial to the maintenance of public order.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called **the Gujarat Prevention of Anti-social Activities Act, 1985**.

(2) It extends to the whole of the State of Gujarat.

(3) It shall be deemed to have come into force on the 27th May, 1985.

2. *Definition.*—In this Act, unless the context otherwise requires,—

(a) "authorised officer" means a District Magistrate or a Commissioner of Police authorised under sub-section (2) of section 3 to exercise the powers conferred under sub-section (1) of that section ;

(b) "boot-legger" means a person who distills, manufactures, stores, transports, imports, exports, sells or distributes any liquor, intoxicating drug or other intoxicant in contravention of any provision of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949) and the rules and orders made thereunder, or of any other law for the time being in force or who knowingly expends or applies any money or supplies any animals, vehicle vessel or other conveyance or any receptacle or any other material whatsoever in furtherance or support of the doing of any of the things described above by or through any other person, or who abets in any other manner the doing of any such thing ;

(c) "dangerous person" means a person, who either by himself or as a member or leader of a gang, during a period of three successive years habitually commits, or attempts to commit or abets the commission of any of the offences punishable under Chapter XVI or Chapter XVII of the Indian Penal Code (XLV of 1860) or any of the offences punishable under Chapter V or the Arms Act 1959 (54 of 1959);

(d) "detention order" means an order made under section 3 ;

(e) "detenu" means a person detained under a detention order ;

(f) "drug-offender" means a person who manufactures, stocks, imports, exports, sells or distributes any drug or cultivates any plant or does any other things in contrvention of any provisions of the Drugs and Cosmetics Act, 1940 (XIII of 1940), or the Dangerous Drugs Act, 1930 (II of 1930), or the rules and orders made under either Act or in contravention of any other law for the time being in force, or who knowingly expends or applies any money in furtherance or support of the doing of any of the above mentioned things by or through any other person, or who abets in any other manner the doing of any such thing ;

(g) "immoral traffic offender" means a person who habitually commits or abets the commission of any offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956) ;

(h) "property grabber" means a person who illegally takes possession of any lands not belonging to himself but belonging to Government, local authority or any other person or enters into or creates illegal tenancies or leave and licence agreements or any other agreements in respect of such lands or who constructs unauthorised structures thereon for sale or hire or gives such lands to any person on rental or leave and licence basis for construction or use and occupation of unauthorised structures or who knowingly gives financial aid to any person for taking illegal possession of such lands or for construction of unauthorised structures thereon or who collects or attempts to collect from any occupiers of such lands rent, compensation or other charges by criminal intimidation or who evicts or attempts to evict any such occupiers by force without resorting to the lawful procedure or who abets in any manner the doing of any of the above mentioned things ;

(i) "unauthorised structure" means any structure constructed in any area without express permission in writing of the officer or authority having jurisdiction in such area required under the Bombay Land Revenue Code, 1879 (Bom. V of 1879) and the Gujarat Town Planning and Urban Development Act, 1976 (Presi. Act 27 of 1976) and the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964) or, as the case may be, the Gujarat

Panchayat Act, 1961 (Guj. VI of 1962) or except in accordance with any other law for the time being in force in such area

3. *Power to make orders detaining certain persons.*—(1) The State Government may if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of public order, it is necessary so to do, make an order directing that such person be detained.

(2) If, having regard to the circumstances prevailing or likely to prevail in any area within the local limits of the jurisdiction of a District Magistrate or a Commissioner of Police, the State Government is satisfied that it is necessary so to do, it may, by order in writing, direct that the District Magistrate or the Commissioner of Police, may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an authorised officer he shall forthwith report the fact to the State Government, together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof, unless, in the meantime, it has been approved by the State Government.

(4) For the purpose of this section, a person shall be deemed to be "acting in any manner prejudicial to the maintenance of public order" when such person is engaged in or is making preparation for engaging in any activities, whether as a bootlegger or dangerous person or drug offender or immortal traffic offender or property grabber, which affect adversely or are likely to affect adversely the maintenance of public order.

Explanation.—For the purpose of this sub-section, public order shall be deemed to have been affected adversely or shall be deemed likely to be affected adversely *inter alia* if any of the activities of any person referred to in this sub-section directly or indirectly, is causing or is likely to cause any harm, danger or alarm or feeling of insecurity among the general public or any section thereof or a grave or widespread danger to life, property or public health.

4. *Execution of detention orders.*—A detention order may be executed at any place in the State in the manner provided for the execution of warrant of arrest under the Code of Criminal Procedure, 1973 (2 of 1974).

5. *Power to regulate place and conditions of detention.*—Every person in respect of whom a detention order has been made shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the Government may, by general or special order, specify ; and

(b) to be removed from one place of detention to another place of detention, within the State by order of the State Government.

6. *Grounds of detention severable.*—Where a person has been detained in pursuance of an order of detention under section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each ground and accordingly—

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—

(i) vague,

(ii) non-existent,

(iii) not-relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever,

and it is not, therefore, possible to hold that the Government or the officer making such order would have been satisfied as provided in section 3 with reference to the remaining ground or grounds and made the order of detention ;

(b) the Government or the officer making the order of detention shall be deemed to have made the order of detention under the said section after benig satisfied as provided in that section with reference to the remaining ground or grounds.

7. *Detention orders not to be invalid or inoperative on certain grounds.*— No detention order shall be invalid or inoperative merely by reason—

(a) hat the person to be detained thereunder, though within the State, is outside the territorial jurisdiction of the authorised officer making the order, or

(b) that the place of detention of such person though within the state, is outside the said limits.

8. *Powers in relation to absconding persons.*—*(1)* If the State Government or any authorised officer has reason to believe that a person in respect of whom a detention order has been made has absconded, or is concealing himself so that the order cannot be executed, then the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply in respeet of such person and his property, subject to the modifications mentioned in this sub-section and, irrespective of the place where such person ordinarily resides. the detention order made against him shall be deemed to be a warrant issued by a competent Court. Where the detention order is made by the State Government, an officer, not below the rank of a District Magistrate or a Commissioner of Police authorised by the State Government in this behalf, or where the detention order is made dy an authorised officer, the authorised officer, as the case may be, shall, irrespective of his ordinary jurisdiction, be deemed to be empowered to exercise all the powers of the competent Court under sections 82, 83, 84 and 85 of the said Code for issuing a proclamation for such person and for attachment and sale of his property situated in any part of the State and for taking any other action under the said sections. An appeal from any order made by any such officer rejecting an application for restoration of attached property shall lie to the Court of Sessions having jurisdiction in the place where the said person ordinarily resides, as provided in section 86 of the said Code.

(2) (a) Notwithstanding anything contained in sub-section (1), if the State Government or an authorised officer has reason to believe that person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, the State Government or the officer, as the case may be, may by order notified in

Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Elections Act, 1980 (Mah. XIX of 1980) (hereinafter referred to as "the principal Act"), in sub-section (3), for the words, figures and letters "the 30th June, 1985" the words, figures and letters "the 15th December, 1985" shall be substituted.

3. *Amendment of section 3 of Mah XIX of 1980.*—In section 3 of the principal Act, in sub-section (2), in clause (b), for the words, figures and letters "the 30th June, 1985" the words, figures and letters "the 15th December, 1985" shall be substituted.

4. *Amendment of section 2 of Mah V of 1962.*—In section 2 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), (herinafter referred to as "the said Act"), for clause (20A), the following clause shall be substituted, namely :—

'(20A) "population" means the population as ascertained in the 1971 census until the relevant figures for the first census taken after the year 2000 have been published ;'.

5. *Amendment of section 12 of Mah. V of 1962.*—In section 12 of the said Act, in sub-section (2), the words "and periodicity of rotation" shall be deleted.

6. *Amendment of section 58 of Mah. V of 1962.*—In section 58 of the aid Act, in sub-section (1), in clause (a-a), the words "and periodicity of rotation" shall be deleted.

7. *Amendment of section 274 of Mah. V of 1962.*—In section 274 of the said Act. in sub-section (2),—

(a) in clause (ii), the word "und periodicity of rotation" shall be deleted ;

(b) in clause (xiii), the words "and periodicity of rotation" shall be deleted.

8. *Repeal of Mah. Ord. IV of 1985 and saving.*—(1) The Dissolution of Osmanabad and Parbhani Zilla Parishads and Temporary Postponement of Election and the Maharashtra Zilla Parishads and Panchayat Samitis (Amendment) Ordinance, 1985, (Maharashtra Ordinance IV of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification issued or rules made) under the principal Act or the said Act, as amended by said Ordinance shall be deemed to have been done, taken issued or made, as the case may be, under the principal Act or the said Act as amended by this Act.

THE MAHARASHTRA RESETTLEMENT OF PROJECT DISPLACED PERSONS (AMENDMENT AND VALIDATION) ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the President on the 24th July 1985, was published in the *Maharashtra Govt. Gazette*, Part IV, dated August 1, 1985.

MAHARASHTRA ACT NO. XIII OF 1985.

An Act further to amend the Maharushtra Ressetllement of Project Displaced Persons Act 1976 and to make certain validating provisions.

Wherease, both House of the State legislature were not in session ;

And whereas, the Governor of Maharashtra was satisfied that circumstanses existed which rendered it necessary for him to take immidiate action to amend the Maharashtra Restetlement of Project Displaced Persons Act. 1976. (Mah XLI of 1976), for the purposes hereinafter appearing; and, therefore, promulgated the Maharashta Ressettlement of Project Desplaced Persons (Amendment and Validation) Ordinance, 1985 (Mah Ord. VI of 1985), on the 11th June 1985.

And Whereas, it is expedient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement,*—(1) This Act may be called **the Maharashtra Ressettlement of Project Displaced Persons (Amendment and Validation) Act, 1985.**

(2) It shall be deemed to have come into force on the 11th June 1985.

2. *Amendment of section 14 of Mah. XLI of 1976.*—In section 14 of the Maharashtra Resettlement of Project Displaced Person Act 1976 (Mah. XLI of 1976) (hereinafter ueferred to as "the principal Act"), for sub-section (2). the following sub-section shall be substituted, and shall be deemed always to have been substituted, namely :—

"(2) The declaration under sub-sectipn (1) shall call upon the perso interested in the land to make (if any) objections to, and suggestion for, the inclusion of any land in the area referred to in clause (a) or clause (b) of sub-section (1) and send them to the Collector or Depuly Director of Resettlement (Land) within a period of not less then thirty days as may be specified in the notification.".

3. *Amendment of section 15 of Mah. XLI of 1976.*—In section 15 of the principal Act, in sub-section (1) for the portion beginning with the words "The State Government shall" and ending with the words "further inquiry as it may think fit,' the following shall be deemed always to have been substituted namely :—

"The Collector and Deputy Director of Resettlement (Land) shall with all reasonable despatch, forward the ojections and suggestion, if any, received by him under sub-section (2) of section (14), together with his report in respect thereof to the State Government and, on considering the report and the objections and suggestions, if any, as also the suggestions, if any, received by it under sub-section (3) of section 14, the State Government shall,".

4. *Validation of final declaration issued under section 15, and of acquisition of land under section 16 of Mah. XLI of 1976.*—(1) Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court, every final declaration made or purporting to have been made under section 15 of the principal Act before the commencement of the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Act, 1985 (Mah. XIII of 1985), shall be, and shall be deemed always to have been, valid and effective in accordance with law ; and no such declaration shall be called in question in any court of law merely on the ground that the provisions of sections 13 and 14 of the principal Act have not been complied with, in part or in whole, or that an opportunity of being heard was not given to the persons affected by such decla-

ration, or that no further enquiry was made by the State Government, before making such declaration.

(2) Notwithstanding anything contained in the principal Act or in any judgment, decree or order of any court,—

(a) no acquisition of land or rights in or over land made or purporting to have been made under, and for the purposes of, the principal Act before the commencement of the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Act 1985 (Mah. XIII of 1985), and no action taken or thing done (including any order made, agreement entered into, or any notice or notification published) in connection with such acquisition and the grant or distribution of such land for resettlement of any displaced person shall be deemed to be invalid, or ever to have become invalid merely on the ground.—

(i) that before making the final declaration under section 15 of the principal Act, the provisions of sections 13 and 14 of the principal Act have not been complied with, in part or in whole, or that an opportunity of being heard was not given to the persons affected by such declaration, or that no further enquiry was made by the State Government ; and

(ii) that before or after publishing any notification in connection with the acquisition of land for the purposes of the principal Act in accordance with the provisions of section 16 of the principal Act and the Land Acquisition Act, 1894 (I of 1894) the provisions of sections 19, 20, 21 or any other provisions of the principal Act have not been complied with, in part or in whole ;

(b) any acquisition in pursuance of notification issued under the provisions of section 16 of the principal Act and the Land Acquisition Act, 1894 (I of 1894), before the commencement of the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Act, 1985 (Mah. XIII of 1985) may be made after such commencement and no such acquisition and no action taken or thing done (including any order made agreement entered into or notice or notification published, or grant or distribution of such land made for resettlement of displaced persons) whether before or after such commencement, in connection with such acquisition or grant or distribution of land shall be deemed to be invalid merely on the grounds referred to in clause (a) or any of them ;

(c) no suit or legal proceeding shall be maintained or continued in any court on the grounds referred to in clause (a) or any of them.

5. *Repeal of Mah. Ord. VI of 1985 and saving.*—(1) The Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985 (Mah. Ord. VI of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act. as amended by this Act.

THE MAHARASTRA APPROPRIATION ACT, 1985

The following Act of Maharashtra Legislature, having been assented to by the Governor on the 28th July, 1985, was published in *the Maharashtra Government Gazette*, Part IV, dated August 1, 1985.

MAHARASHTRA ACT NO. XIV OF 1985

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1986.

Whereas by virtue of Article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1986; and for the purpose of authorising payment of the said sums; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. This Act may be called **the Maharashtra Appropriation Act. 1985.**

(Text omitted)

THE BOMBAY SALES TAX (AMENDMENT) ACT, 1985.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 1st August, 1985, was published in the *Maharashtra Govt. Gazette Extraordinary*, Part IV, dated August 8, 1985.

MAHARASHTRA ACT NO. XV of 1985.

An Act further to amendment the Bombay Sales Tax Act, 1959.

Whereas, both Houses of the State Legislature were not in session ;

And Whereas, Shri Konda Madhava Reddy, discharging the functions of the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Bombay Sales Tax Act, 1959, (Bom. LI of 1959) for the purposes hereinafter appearing ; and, therefore, promulgated the Bombay Sales Tax (Amendment) Ordinance, 1985, on the 24th May. 1985 (Mah. Ord. V of 1985) ;

And whereas, it is expendient to replace the said Ordinance by an Act of the State Legislature ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short Title and commencement*.—(1) This Act may be called **the Bombay Sales Tax (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 24th May, 1985.

2. *Amendment of section 2 of Bom. LI of 1959.*—In section 2 of the Bombay Sales Tax, 1959 (Bom. LI of 1959) (hereinafter referred to as the principal Act"),—

(a) after clause (12), the following clauses shall be inserted, namely :—

"(12-A) "Edible Oil Unit" means an Eligible Unit engaged in—

(i) delinting. decorticating or processing of groundnuts or other oilseeds ;

(ii) crushing of groundnuts or other oilseeds and manufacture of edible oil ;

(iii) refining of edible oil ; or

(iv) hydrogenation of edible oil ;

(12-B) "Eligibility Certificate" means a certificate granted by SICOM or the relevant Regional Development Corporation under the Package Scheme of Incentives designed by the State Government, for promoting industrialization of the backward areas of the State ;

(12-C) "Eligible Unit" means the Industrial Unit in respect of which an Eligibility Certificate is issued : "

(b) after clause (25), the following clause shall be inserted, namely :—

"(25-A) "relevant Regional Development Corporation :—"

(a) in relation to the Vidarbha area of the State, means the Development Corporation of Vidarbha Limited, a Government Company registered under the Companies Act, 1956 ;

(b) in relation to the Konkan revenue division excluding the City of Bombay and the Bombay Suburban Districts, means the Development Corporation of Konkan Limited, a Government Company registered under the Companies Act, 1956 (I of 1956) ;

(c) in relation to the Marathwada area of the State, means the Marathwada Development Corporation Limited, a Government Company registered under the Companies Act, 1956 (I of 1956) ;

(d) in relation to the rest of Maharashtra, means the Western Maharashtra Development Corporation Limited, a Government Company registered under the Companies Act, 1956 (I of 1956) ; "

(c) after clause (30), the following clause shall be inserted, namely :—

"(30-A) 'SICOM' means the State Industrial and Investment Corporation of Maharashtra Limited, a Government Company registered under the Companies Act, 1956 (I of 1956) ;"

3. *Amendment of section 36 of Bom. LI of* 1959.—In section 36 of the principal Act, in sub-section (3), in the second proviso, for the portion beginning with the words "no penalty" and ending with the words "Development Corporation" the following shall be substituted, namely :—

"no penalty under this section shall be payable by a dealer to whom an Eligibility Certificate has been granted".

4. *Amendment of section 36 of Bom. LI of 1959*.—In section 36 of the principal Act in sub-section (4), in the second proviso, the portion begnning with the words "by the State Industrial" and ending with the words "Maharashtra State" shall be deleted.

5. *Insertion of section 41A in Bom LI of 1959*.—After section 41 of the principal Act, the following section shall be inserted, namely :—

"41A. *Edible Oil Unit not to be eligible for exemption from payment of tax*.—Notwithstanding anything contained in this Act or in any judgment decree or order of any Court or Tribunal to the contrary on and after the date of commencement of the Bombay Sales Tax (Amendment) Act, 1985 (Mah. XV of 1985) (hereinafter in this section referred to as "the commencement date"), the Eligibility Certificate granted to any Registered dealer of an Edible Oil Unit in accordance with the provisions of any Package Scheme of Incentives shall cease to have any effect in relation to the exemption from payment of tax under this Act or under the Central Sales Tax Act 1955 (LXXIV of 1956) and the Certificate of Entitlement issued in favour of such Registered dealer by the Commissioner under entry 136 of the Schedule to the notification issued under section 41 shall stand automatically cancelled on the commencement date and such Registered dealer shall not be entitled to claim any further benefit of exemption from payment of such tax under the Eligibility Certificate or the Certificate of Entitlement on and after the commencement date, and he shall surrender the Certificate of Entitlement together with all the unused Form BC which have been attested by the Sales Tax authorities to the Commissioner forthwith and in any case on or before the 31st day of August 1985, unless he has already surrender the same earlier.".

6. *Amendment of section 63 of Bom. LI of 1959.*—In section 63 of the principal Act,—

(a) in sub-section (10), after clause (d) the following clause shall be inserted, namely :—

"(d-1) fails without sufficient cause to surrender the Certificate of Entitlement together with all the unused Form BC as required under section 41A, or" ;

(b) in sub-section (13) after the brackets and letter "(d)," the brackets, letter and figures "(d-1)," shall be inserted.

7. *Amendment of section 69 of Bom. IL of 1969.*—In section 69 of the principal Act in sub-section (1), after the bracket and letter "(d)", the brackets, letter and figure "(d-1)," shall be inserted.

8. *Repeal of Mah. Ord. V of 1985 and consequences of such repeal.*—(1) The Bombay Sales Tax (Amendment Ordinance, 1985 (Mah. Ord. V of 1985) is hereby repealed.

(2) It is hereby declared that notwithstanding anything contained in section 7 of the Bombay General Clauses Act, 1904, on such repeal the following consequences shall ensue,—

(a) the Eligibility Certificate and the Certificate of Entitlement issued to any registered dealer of the Eligible Unit other than the Registered dealer of Edible Oil Unit shall not be deemed to have been cancelled ; and

(b) where the Certificate of Entitlement and the unused Form BC are surrendered by any Registered dealer of the Eligible Unit other than Registered dealer of Edible Oil Unit the same shall be restored to the Registered dealer, who has surrendered the same ;

(c) the Registered dealer of the Eligible Unit other than the Registered dealer of Edible Oil Unit shall have been entitled to claim the same benefits of exemption of sales tax to which he was entitled before the commencement of the said Ordinance ;

(d) Any Sales Tax on sale of finished goods recovered by any Registered dealer of the Eligible Unit other that the Registered dealer of Edible Oil Units during the period from the commencement of the said Ordinance till the publication of this Act in the *Official Gazette*, shall be paid into Government Treasury alongwith the return and the tax so paid shall stand forfeited to the State Government and thereupon the provisions of sub-section (6) of section 38 mutatis mutandis apply to the tax so forfeited.

THE MAHARASHTRA ACT ABOLITION OF SUBSISTING PROPRIETARY RIGHTS TO MINES AND MINERALS IN CERTAIN LANDS ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the President on the 1st August 1985, was published in the *Mahashtrra Govt Gazette*, (*Extra.*), Part IV. dated August 8. 1985

MAHARASHTRA ACT NO. XVI OF 1985

An Act to abolish subsisting proprietary rights to mines and minerals in any lands under the Land Tenure Abolition Laws or such other laws for the time being in force by acquisition thereof and to provide for matters connected therewith.

Whereas pursuant to the national policy of bringing the actual cultivator into direct relation with the Government, series of land tenure abolition laws for abolition of the intermediary rights, Jagirs and inam tenures have had been enacted, the rights of Inamdars and Jagirdars to mines and minerals have had been specifically saved, thereby allowing such existing rights to survive particularly where the inams are grants of soil;

And Whereas the mines and minerals available in these inam lands are being exploited in the State by such Inamdars for individual gains without being liable to pay any royalty to the State Government and in a manner highly detrimental and prejudicial to public interest;

And Whereas with a view to prevent such exploitation of mines and minerals for individual gains by a few Inamdars and also to prevent the huge loss of royalty by the State Government and to give effect to the policy of the State Government towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

And Whereas for the aforesaid purposes it is considered necessary to abolish subsisting proprietary rights to mines and minerals in any lands under the Land Tenure Abolition Laws or such other laws for the time being in force by acquisition thereof and to provide fo r natters connected there with ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the **Maharashtra Abolition of Subsisting Proprietary Rights to Mines and Minerals in certain Lands Act, 1985**.

(2) It extends to the whole of the State of Maharashtra.

2. *Declaration.*- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution of India and the acquisition therefor of the subsisting proprietary rights to mines and minerals referred to in section 4.

3. *Definition.*—In this Act, unless the context otherwise requires,—

(a) "alienee" means an Inamdar, Jagirdar or Estate Holder as defined in the Land Tenure Abolition Laws or such other laws for the time being in force, or a person who holds any subsisting right in any sub soil in any land under any settlement, kaul, grant, sanad or order, any judgment, order or decree of a Court or Tribunal or any law or instrument for the time being in force, but shall not include any lawful lessee holding lease-hold rights in respect of any mines or minerals on the date of commencement of this Act;

(b) "Code" means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

(c) "Competent Authority" means the Collector of the District, and includes any officer, not below the rank of Deputy Collector, to whom the powers and functions of the Competent Authority may be entrusted by the Collector;

(d) "Land Tenure Abolition Laws" means the Salsette Estate (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951), the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953), the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, (Bom. XXXIX of 1954), the Bombay Merged Territories Miscellaneous Alienation Abolition Act 1955 (Bom. XXII of 1955), and the Bombay City, (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act. 1969 (Mah. XLIV of 1969);

(e) "prescribed" means prescribed by rules made under this Act ;

(f) "sub-soil rights" means any rights to mines and minerals found or likely to be found, whether on surface or underground of any land ;

(g) words and expressions used but not defined in this Act, shall have the meanings assigned to them in the Code.

4. *Vesting of rights of alienees to mines and minerals in the State and consequences thereof.*—Save as otherwise provided in this Act, notwithstanding anything contained in any settlement, kaul, grant, sanad or order, any judgement, order or decree of a Court or Tribunal or in any law or instrument for the time being in force, on the date of commencement of this Act, all subsisting rights to mines and minerals vesting in any alienee in any land shall pass from such person to and vest in the State Government, free of any encumbrances :

Provided that, the rights of any lessee holding on lease the sub-soil rights on the date of commencement of this Act, either from alienee or from Government, shall not be affected by this section except that on and from the said date if he is a lessee holding from alienee he shall be deemed to be a lessee holding from Government, and all the obligations to the alienee shall be deemed to have passed on to Government.

5. *Payment of amount for acquisition of rights to mines and minerals.*—(1) Any alienee having any subsisting sub-soil right in respect of any land immediately before the date of commencement of this Act shall, subject to the following provisions of this section, be entitled—

(a) to receive an amount equivalent to three times the assessment fixed for the land, in which there is a mine or there are minerals, but the mine is not worked during a period of three years immediately preceding the date of commecement of this Act ;

(b) where any mine was worked at any time during a period of three years immediately preceding the date of commencement of this Act, to receive an amount equivalent to twenty times the assessment fixed for the land.

(2) Every alienee entitled to the amount under sub-section (1) shall apply in writing to the Competent Authority, on or before the 31st December 1985 or such extended date (if any) as the Competent Authority may fix, for determining the amount payable to him under this section.

6 *Procedure for determining the amount to be paid* —(1) On receipt of an application for determination of the amount payable under section 5, the Competent Authority shall make such inquiry as he deems fit. After giving a reasonable opportunity of being heard to the claimant and to prove his claim, the Competent Authority shall make an award determining the amount payable to the claimant, after recording his findings on the

(*b*) *Validity of the panel.*—The Syndicate, within one year of the date of recommendation, will make appointment from the panel in order of preference.

10. *Duty of the universities to consult the commission in certain matters.*—It shall be the duty of the Universities to consult the Commission in respect of—(a) all disciplinary matters affecting the officers, lecturers, readers and professors of the University in respect of major punishments, such as dismissal, removal or reduction in rank.

(b) the principles, to be followed in making promotion, as also, the suitability of the candidates for such promotion.

11. *Recommendation of the Commission where not needed.*—Notwithstanding anything contained in the Patna University Act, 1976 and the Bihar State University Act, 1976, the appointment of a lecturer, if it is essential in the interest of the College or the University may be made by the Vice-Chancellor of the University concerned as against sanctioned posts for six months only for which no recommendations of the Commission will be needed.

12. *Annual Report.*—It will be the duty of the Commission to submit an annual report to the Chancellor with copies to the Universities in connection with the action taken in respect of teacher/officers and the University concerned will place if before the Syndicate at its next meeting. The University, in such cases, in which Commission's recommendations have not been accepted, will forward reasons for non-acceptance to the Chancellor, who will forward the same to the State Government for being placed before tho Legislature.

13. *Power to make Rules.*—The State Government may, by notification published in the official Gazette make Rules consistent with the provisions of this Ordinance.

14. *Repeal and Savings.*—(1) The Bihar State University (Constituent Colleges) Service Commission Ordinance, 1985 (Bihar Ordinance no. 3, 1985) is hereby repealed.

(2) Notwithstanding such repeal any thing done or any action taken in exercise of any power conferred by or under the said Ordinance or notwithstanding anything continued in this Ordinance any thing done or any action taken in exercise of any power conferred by or under the Bihar State University Act, 1976 and the Patna Uvniversity Act, 1976, shall be deemed to have been done or taken in exercise of powers conferred by or under this Ordinance as if, this Ordinance were in force on the day on which such thing was done or action taken.

Date 15th May 1985 P. VENKATASUBBAIAH.
Governor of Bihar.

Published in the *Bihar Gazette, (Ext.)*, dated on May 26, 1985.

THE BIHAR MOLASSES (CONTROL) SECOND (AMENDMENT) ORDINANCE, 1985

BIHAR ORDINANCE NO. 22 OF 1985

An Ordinance to amend the Bihar Molasses (Control) Act, 1947.

Whereas the Legislature of the State of Bihar is not in session ;

And whereas, the Governor of Bihar is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Bihar Molasses (Control) Act, 1947 (Bihar Act 6 of 1947) in the manner hereinafter appearing ;

And whereas, the instruction of the President of India under the proviso to clause (I) of Article 213 of the Constitution of India have been obtained ;

Now therefore, in exercise of the powers conferred by clause (1) of Article 213 of the constitution of India, the Governor is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(i) This Ordinance may be called **the Bihar Molasses (Contral) Second (Amendment) Ordinance, 1985.**

(ii) It shall come into force at once.

(Text omitted as it repeals Ordinance No. 2 of 1985)

THE BIHAR FINANCE ACT, 1985

Published in the *Bihar Gazette* (*Ext.*), dated August 7, 1985

BIHAR ACT 4 OF 1985

An Act to raise additional fund for the execution of public welfare schemes and with a view to implement the financial proposals of the State Government for the financial year 1985-86, as also to amend the Bihar Finance Act, 1981 (Bihar Act 5 1981) the Bihar Entertainment Tax Act 1948 (Bihar Act 35 of 1948 the Bihar Electricity Duty Act 1948 (Bihar Act 36, of 1948) and Cess Act, 1880 (Bengal Act 9, of 1880).

Be it enacted by the Legislature of the State of Bihar in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called **the Bihar Finance Act, 1985** ;

(2) It shall extend to the whole of the State of Bihar ;

(3) It shall come into force on the 1st day of August, 1985 except the provision of section 12, section 3-A of the Bihar Entertainment Tax Act 1948. (Bihar Act 3 of 1948) as inserted by section 13 and section 14, which shall be deemed to have come into force with effect from the 12th day of March, 1985.

CHAPTER II

AMENDMENT OF THE BIHAR FINANCE ACT, 1981 (BIHAR ACT 5 OF 1981)

2. *Amendmect of sub-section (1) of section 6 of Bihar Act 5 of 1981.*—In the Bihar Finance Act, 1981 ; (Bihar Act 5 of 1981) (hereinafter in this Chapter to be referred to as the said Act) in sub-section (1) of section 6, after the figure "12" a comma and the figure "13" shall be inserted and shall be deemed always to have been inserted.

3. *Amendment of section 9 of Bihar Act 5, of 1981.*—In sub-section (2) of section 9 of the said Act after the words "within such area" the words "or in respect of such transaction falling within an area" shall be inserted and shall be deemed always to have been inserted.

4. *Amendment of sub-section (4) of section 11 of the Bihar Act 5, 1981.*—In sub-section (4) of section 11 of the said Act, the words "or for use by him in the packing of goods which he sells" shall be omitted,

5. *Amendment of section 13 of Bihar Act 5 of 1981.*—In section 13 of

the said Act,—

(1) In sub-clause (i) of clause (b) of sub-section (1) the words "in Bihar or in course of inter-state trade or commerce" shall be deleted.

(2) After clause (d) to sub-section (1) the following new clause shall be inserted, namely :—

"(e) Sales to or purchases by a registered dealer of goods specified in his registration certificate issued under section 14 as required by him in the or for packing of goods which he sells".

(3) In the subordinate sentence before the proviso to sub-section (1) after the words "at such rate" the words "or rates" shall be inserted.

(4) Sub-section (2) shall be renumbered as "(2)(i)" and the following new clause shall be inserted, namely :—

"(ii) In case of sales under clause (e) of sub-section (1) a declaration in the prescribed form duly filled up and signed by the purchaser shall be furnished by the selling dealer to the prescribed authority in the prescribed manner."

(5) In sub-section (3) for the words, brackets and letters "clauses (a), (b), (c) and (d)" the words, brackets and letters "(a), (b), (c), (d) and (e)" shall be substituted.

6. *Amendment of sub-section (9) of section 16 of Bihar Act 5 of 1981.*— In the said Act in sub-section (9) of section 16,—

(i) after the word "five percentum" the word "but not less than two and half percentum" shall be inserted ;

(ii) after the words "three months" the words "or part thereof" shall be inserted ;

(iii) after the words "ten percentum" the words "but not less than five percentum" shall be inserted.

7. *Amendment of sub-section (1) of section 20 of the Bihar Act 5 of 1981.*— In the said Act in sub-section (1) of section 20 after the words "any proceeding" the words "or otherwise" shall be inserted.

8. *Amendment of section 21 of Bihar Act 5 of 1981.*—In the said Act, in sub-section (1) of section 21,—

(i) Clause "(a)" shall be renumbered as clause "(a)(ii)" and before this a new sub-clause shall be inserted as follows namely :—

"(a)(i) In case of works contract the amount of labour charges in the manner or to the extent prescribed ;"

(ii) In clause (c), after the words "trade or commerce" the comma "(,)" shall be substituted by a semi-colon "(;)" and the words "or for use in packing of goods which he sells inside Bihar or in course of inter-State trade or commerce" shall be deleted.

9. *Substitution of sub-section (5) of section 25-A of Bihar Act 5, 1981.*— In the said Act, sub-section (5) of section 25-A shall be substituted as follows, namely :—

"(5) If any person contravenes any or all of the provisions of sub-section (1), (3) and (4), the prescribed authority shall, after giving an opportunity of being heard, by an order in writing, direct that such person shall pay by way of penalty, a sum not exceeding twice the amount of tax deductible under sub-section (1)".

10. *Amendment of section 60-A of Bihar Act of 5 of 1981.*—In the said Act, after sub-section (3) of section 60-A the following new sub-section shall be added, namely :—

"(4) *For the purposes of the Bihar Finance Act of 1981.*—(i) The additional tax levied, collected, and paid or purporting to have been levied, collected and paid under section 6 of the Bihar Finance Act, 1981 (Part I) on the sales or purchases under section 13, between the periods beginning from the 1st November 1981 and the date of coming into effect of this Act shall be deemed always to have been validly levied, collected and paid in accordance with the aforesaid Act ;

(ii) no suit or other proceeding shall be maintained or continued in any court or before any Tribunal or authority for the refund of such tax already collected nor enforcement shall be made by any court, tribunal or authority of any decree or order directing the refund of any such tax which has been collected.

(iii) notwithstanding anything contained in clause (i), no additional tax under section 6 shall be imposed where such tax has not been collected on sales or purchase under section 13 :

Provided that the burden of proving that the aforesaid tax was not collected shall be on the person claiming the exemption under this clause.

(5) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or any other authority, the transaction of assessment made at Calcutta office by the authorities appointed under section 9 of the said Act or under any other enactment before the said Act came into force, shall be deemed to have been validly done."

11. *Amendment of section 63 of Bihar Act 5 of 1981.*—In the said Act in section 63, clause (a) of the proviso shall be substituted as follows and shall be deemed always to have been substituted :—

"(a) is exhibited within the show-window or show-case of a shop or building excluding an advertisement exhibited at any place of entertainment by means of a Cinematograph through slides, trailers of film or films ; or."

CHAPTER III

AMENDMENT OF THE BIHAR ENTERTAINMENT TAX ACT, 1948 (BIHAR ACT 35-OF 1948).

12. *Substitution of clause (e) to section 2 of Bihar Act 35 of 1948.*—In the Bihar Entertainment Tax Act, 1948 (Bihar Act 35 of 1948) (hereinafter in this Chapter to be referred to as the said Act) in section 2 for clause (e) the following shall be substituted, namely :—

"(e) "Entertainment Tax" includes tax levied under sections 3, 3A, 3B and 3C."

13. *Insertion of new sections 3A, 3B, 3C, 3D, 3E, and 3F in Bihar Act 35 of 1948.*—After section 3 of the said Act, the following new sections shall be inserted, namely :—

"3A. *Consolidated payment of tax.*—Notwithstanding anything contained in the Act, the State Government by notification, may levy consolidated amount of tax not exceeding 45 per cent and not below 10 per cent of the gross collection capacity for every show and such amount of tax shall be paid by the proprietor of an entertainment to the State Government :

Provided that the State Government shall for the purpose of levy of consolidated amount of tax, classify places in categories for the fixation of such percentage and the rate of consolidated tax shall be uniform for a particular class of places. The State Government shall for the purpose of classification, take into account the type of place, its location, population, industrial growth and type of market.

Provided further that the consolidated tax payable under this section shall not be less than the highest amount of the tax for every show payable by the proprietor of an entertainment during any of the three preceding years under sub-section (1) or (5) of section 3 or under this section.

Explanation.—'Gross collection capacity' shall mean the total amount calculated for total seating capacity of the theatre which shall include the admission fees, tax calculated on the basis of rate notified under sub-section (1) of section 3 from time to time, surchage or charge for any privelege, right, facility, service or thing combined with the right of admission to any entertainment.

3-B. *Compounding of tax.*—(1) The State Government may, in lieu of tax payable under section 3-A on application of a prioprietor, in the form prescribed under sub-section (2) of section 3-F, on such conditions, as may be prescribed, permit him to pay a fixed amount or a fixed percentage of gross collection capacity for a specified number of shows in a specified period irrespective of actual number of shows which may be held in that period :

Provided that the fixed amount or the fixed percentage of gross collection capacity shall not be less than the highest amount payable by the proprietor of an entertainment during any of the three preceding years of the concerned period under sub-section (1) or (5) of section 3 or section 3A or under this section.

(2) A proprietor intending to pay tax under sub-section (1) shall apply in the prescribed form to the Commissioner or any other officer, specially authorised by the Commissioner through the Deputy/Assistant Commissioner/Commercial Taxes Officer, I/C of the Circle/Sub-circle not less than 15 days before the commencement of the period for which the proprietor intends to pay tax under sub-section (1).

(3) On receipt of application, the Commissioner or any other officer specially authorised by the Commissioner, shall, after making such enquiry as he may deem necessary, permit the proprietor in the form prescribed under sub-section (3) of section 3-F to pay fixed sum in accordance with sub-section (1).

(4) The option permitted under sub-section (3) shall continue to be in force till the end of the financial year in which such option is permitted.

(5) The amount of tax specified in the permission granted under sub-section (3) shall be paid to the State Government in the prescribed manner in advance weekly before the week begins.

3C. *Tax on Commercial Video Exhibition.*—Notwithstanding anything contained in the Act, in the case of commercial exhibition of films on Video specified in column 2 of the Table below irrespective of whether the show is combined with any service or transport or supply of any goods for which a lump sum is charged from a person, there shall be levied and paid by the proprietor of such entertainment to the State Government, a tax at such rates not exceeding the rates specified in the corresponding entry in column 3 thereof, as the State Government may fix by a notification issued in this behalf :—

TABLE

1	2		3
			Rs. per week
1.	Video of up to 65 cm. screen	..	2,000
2.	Video of above 65 cm. up to 100 (em. screen,	..	2,500
3.	Video of above 100 cm. screen	..	3,500

3-D. *Application of certain provisions.*—Where tax is levied under sections 3A and 3C, except expressly otherwise provided, the provisions of sub-sections (1) and (2) of section 3, and clause (ii) of section 5-A of the Act and where a proprietor is permitted to pay a fixed sum under sub-section (3) of section 3B, so long as a proprietor complies with all the terms and conditions specified in the permission, the provisions of sub-sections (1), (2), (5) and (6) of section 3, clauses (b) and (c) of sub-section (1) and sub-section (2) and (3) of section 5, clauses (ii) and (iii) of section 5A and section 9B shall not apply :

Provided that no person other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by or under this Act or any other law shall be admitted without a ticket. The ticket shall contain the name of the theatre, class to which it is valid and the rate of admission and such ticket shall be serially numbered from 000001 to 100000 and repeated in like rotation.

3-E. *Exemption of tax in certain cases.*—No tax shall be levied under sub-section (1) of section 3, section 3-A and section 3-B of the Act in respect of entertainments or films exempted under sub-section (2) of section 10 of the Act, if a proprietor sells tickets not above the rate of admission fee (excluding the amount of entertainment tax) approved by the State Government and in such case, a proprietor shall pay to the State Government only the fax levied under sub-section (2) of section 3 of the Act.

3-F. *Forms for weekly return and application for permission and permission to pay compounded tax.*—(1) Every proprietor of an entertainment liable to pay tax under section 3-A or opting to pay tax under section 3B shall furnish to the Deputy/Assistant Commissioner/Commercial Taxes Officer of the Circle/Sub-circle I/C, a duly signed weekly return in Form A of the Schedule before or latest by Wednesday following the week to which the return relates.

(2) The application for permission to pay tax under section 3-B shall be in Form 'B' of the Schedule.

(3) The permission to pay tax under section 3-B shall be in Form 'C' of the Schedule.

14. *Amendment of section 4 of Bihar Act 35 of 1948.*—In the said Act in section 4 the following proviso shall be added, namely :—

"Provided that where tax is levied on any entertainment under Section 3A or 3B, the proprietor shall not be entitled to collect any amount exceeding the tax calculated at the rate notified under sub-section (1) of Section 3 as tax from the person admitted to the entertainment."

15. *Amendment of Section 9 of Bihar Act 35 of 1948.*—In Section 9 of the said Act :—

(i) for sub-section (5) the following shall be substituted :—

"(5) Where the proprietor fails to make payment of the amount of consolidated or compounded tax under sub-section (5) of section 3 or section 3-C or fails to make payment of the entertainment tax due according to the return furnished under sub-section (1) of this Section within the prescribed period, without prejudice to any action which is or may be taken under clause (b) of sub-section (I) of Section 16, the prescribed authority shall after giving such proprietor an opportunity of being heard, impose a penalty which may extend to three percentum of the amount of tax for each of the first three months following the due date and to six percentum for each subsequent month or part thereof" and

(ii) The proviso to sub-section (8) shall be omitted.

16. *Amendment of section 9-B of Bihar Act 35 of 1948.*—The proviso to section 9-B of the said Act shall be omitted.

17. *Amendment of section 13-D of Bihar Act 35 of 1948.*—In the said Act in section 13-D the words, bracket and figure "under sub-section (1) of" shall be deleted.

18. *Amendment of section 19 of Bihar Act 35 of 1948.*—Section 19 of the said Act shall be deleted.

19. *Insertion of a new section 21-A in the Bihar Act 35 of 1948.*—In the said Act, after section 21, a new section shall be inserted as follows, namely :—

"21-A *Validation and exemption*—

(1) The Bihar Entertainment Tax (Amendment) Ordinance, 1976 (Bihar Ordinance 21 of 1976) Bihar Entertainment Tax (Second Amendment) Ordinance, 1976 (Bihar Ordinance 103 of 1976), Bihar Entertainment Tax (Third Amendment) Ordinance, 1976 (Bihar Ordinance 152 of 1976), The Bihar Entertainment Tax (Amendment) Act 1976 (Bihar Act 3 of 1977), The Bihar Entertainment Tax (Amendment) Ordinance, 1985 (Bihar Ordinance 9 of 1985) and, The Bihar Entertainment Tax (Amendment) Second Ordinance, 1985 (Bihar Ordinance, 18 of 1985) shall be deemed to have come into force from the dates of their respective promulgation and enactment and the rate of entertainment Tax fixed by notification, S. O. 1540, dated the 1st December, 1975 issued under sub-section (1) of section 3 of Bihar Act 35 of 1948 shall, unless modified, superseded or cancelled, be deemed to have continued.

(2) Notwithstanding any judgment, decree or order of any Court, Tribunal or Authority—(a) any amount levied paid, collected or recovered or purported to have been levied, paid, collected or recovered as tax or penalty under the provisions of the aforesaid Ordinances and the Act and Rules made and notification issued thereunder, for the period beginning from the 17th January, 1976 shall be deemed to have been validly levied, paid collected, or recoverd ;

(b) any proceeding commenced or conducted or purported to have been commenced or conducted for the assessment, collection or recovery of any amount as tax or penalty under the provision of the said Ordinances and the Act, and Rules made and notifications issued thereunder for the period specified in clause (a) shall be deemed to have been commenced or conducted or purported to have been commenced or conducted in accordance with the provisions of this Act.

20 *Amendment of section 22 of Bihar Act 35 of 1948.*—In the said Act—

(i) the provisions of section 22, shall be renumbered as sub-section (1) of section 22, and

(ii) after the renumbered sub-section (1) the following new sub-section shall be added ; namely—

"(2) The Bihar Entertainment Tax (Amendment) Second Ordinance 1985 (Bihar Ordinance, 18 of 1985) is hereby repealed.

(3) All rules, scheme, orders and appointment made, notifications, certificates, forms issued or actions taken and things done or purported to have been made, issued, taken or done for achievement of objects under the Ordinances and the Act mentioned in section 21-A shall be deemed to have been made, issued taken or done under this Act as if, this Act were inforce on the relevant dates.

SCHEDULE

(Please *see* section 3-F)

FORM A

Weekly return under section 3-A/3-B of the Bihar Entertainment Tax Act, 1948 to be furnished by proprietor.

To

The Deputy/Assistant Commissioner/Commercial Taxes,
Officer I/C... ..Circle/Sub-Circle.

I .. .. The proprietor of.................
...... situated at ....
in the district of.........................furnish herewith the following particulars for the week ending :—

(i) Registration no.
(ii) Category u/s 3-A/3-B.
(iii) Class of theatre—70 mm.
35 mm.
Air-conditioned
Air-cooled
Ordinary (delete which is not applicable)
(iv) Period of return
(v) Seating capacity of the theatre

Serial no.	Class.	Rate of admission	seats No. of	Collection Gross
1	2	3	4	5

Total collection capacity.................. ..
Tax @ on Gross collection capacity
(vi) No. of shows held during the week :—

Name of picture screend on	No. shows of each picture.
(a) of taxable Films	
(b) Tax-free Films	

(b) for the words "one month", substitute the word and figures "30 days"

(6) in Form 'B', for the word "Ordinance" in the two places where it occurs, substitute the word "Act" ;

(7) omit Form 'C' ;

(8) in Form 'D', for the word "Ordinance,' in the two places where it occurs, substitute the word "Ordinance".

Published in the *Calcutta Gazette (Ext.)*, Part I, No. 419, dated June 29. 1984

HIGH COURT, APPELLATE SIDE, CALCUTTA

No. 17959G.—*(14th December 1981)*—The following **amendments which have been made in the Rules of the High Court Calcutta relating to applications under Artical 226 of the Constitution** are published for general information :

AMENDMENT

1. The following new rule shall be added as "rule 25A" after the existing rule 25A :

"25AA. Notwithstanding contained in rule 25A but save where the Court dispenses with the requirements of this rule, no petition under Article 226 (1) of the Constitution with any prayer for the interim order or any application in relation to such a petition with any such prayer shall be made, if the respondent sought to be bound or affected by the interim order is the Andaman &-Nicobar Administration or any person or authority ordinarily residing or having its office in the Island, unless such a respondent or any one authorised by such repondent to receive such notice is served with a clear fortnight's prior notice along with a copy of such application or petition as the case may be, together with all documents in support thereof."

2. In rule 25D, the word and the figure "and 25AA" shall be inserted after the word and figure "requirement of Rule 25A" and before the words "and an interim order is obtained".

K. C. MUKHERJEE,
Registrar,
High Court, Appellate Side,
Calcutta.

Published in the *Calcutta Gazette (Ext.)*, dated December 8, 1981.

LAND AND LAND REFORMS DEPARTMENT

No.—3191-L. Ref /20R-12/81.—*(21st November, 1981)*—In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section the following **amendment in the West Bengal Land Reforms (Bargadars) Rules, 1956**, published with this department notification No. 9796-L. Ref., dated the 1st June, 1956 in the Calcutta Gazette, Extraordinany", dated the 2nd June, 1956, as subsequently amended (hereinafter referred to as the said rules), namely :

AMENDMENT

In rule 9 of the said rules, for sub-rule (4), substitute the following sub-rule :

"(4) Any officer or authority proceeding to dispose of such application shall after making such inquiry including an on-the spot inquiry and inspection as he may deem fit, and after giving the parties concerned and opportunity of being heard, dispose of the application on a date to be fixed by him for consideration thereof.

Explanation.—In disposing of the application the officer or authority concerned shall be entitled to act on the findings arrived at by him as a result of such enquiry including on-the-spot enquiry or inspection."

Published in the *Calcutta Gazette* (*Ext.*), Part I, No. 803, dated August 30, 1984.

DEPARTMENT OF HEALTH AND FAMILY WELFARE

No. Health/MA/3819/5P-17/84.—(*29th August, 1984*)—In exercise of the power conferred by sub-section (1) of section 42 of **the Pharmacy Act, 1948** (8 of 1948), the Governor is pleased hereby to appoint the 1st day of September 1986, as the date on whsch sub-section (1) of the said section shall take effect in the State of West Bengal.

Published in the *Calcatta Gazette* (*Ext.*), Part I, No. 519, dated December 16, 1981.

LAND AND LAND REFORMS DEPARTMENT

No. 3252 L. Ref. 22R-3/78 (Pt. II—(*7th Decembor, 1981*)—In exercise of the power conferred by section 60 of the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following **amendment in the West Bengal Land Reforms Rules, 1965**, as subsequently amended (hereinafter referred to as the said Rules), namely :

AMENDMENT

In the said rules, in Schedule A,—

in clause 1, after sub-clause (V) of the second proviso add the following sub-clause :

"(vi) that names of persons with whom lands have been settled under section 49 and who have been given pattas shall be recorded as raiyats by the Revenue Officer subordinate to him by opening a Khatian for each of them."

Published in the *Calcutto Gazette* (*Ext.*), Part I, No. 101, dated March 30, 1985.

HOME DEPARTMENT

No. 3315 WT.—(*29th March, 1985*)—In exercise of the power conferred by sections 21, 21J, 41, 68 and 70 of the Motor Vehicle Act, 1938 (4 of 1939), the Governor is pleased to make, after previous publication as required by sub-section (1) of section 133 of the said Act, the following **amendment in the Bengal Moter Vehicles Rules, 1940**, at pages 2655-2829 of Part I of the "Calcutta Gazette" of the 10th October 1940, as subsequently amended (hereinafter referred to as the said rules), namely :—

AMENDMENTS

In the said rules,—

(1) in sub-rule (c) of rule 6, for the words "seven rupees and fifty paise", substitute the wards "fifteen rupees" ;

(2) in sub-rule (g) of rule 10, for the words "fifteen rupees", substitute the words "twenty rupees";

(3) in sub-rule (d) of rule 11, for the words "fifteen rupees" substitute the words "twenty rupees";

(4) in sub-rule (c) of rule 12, for the words "fifteen rupees" substitute in words "twenty rupees";

(5) in rule 15,—

(i) in sub-rule (b), for the words "seven rupees and fifty paise", substitute the words "fifteen rupees";

(ii) in sub-rule (c), for the words "seven rupees and fifty paise", substitute the words "fifteen rupees";

(iii) in sub-rule (e), for the words "three rupees", substitute the words "ten rupees";

(6) in rule 31,—

(i) in sub-rule (a), for the words "court fee of fifteen rupees", substitute the words "court fee of thirty rupees";

(ii) in sub-rule (d) for the words "one rupee", substitute the words "five rupees";

(7) in sub-rule (b) of rule 33A,—

(a) in clause (i), for the letters and figures "Rs. 100", substitute the letters and figures "Rs. 300", and

(b) in clause (ii), for the words "as many rupees as is equal to the difference", substitute the words "three rupees for each difference";

(8) for sub-rule (h) of rule 36, substitute the following sub-rule :—

"(h) The fee for the grant or renewal of a certificate of fitness shall be fifty rupees per annum and shall in both case, include the fee for inspection :

Provided that the fee for the renewal of certificate of fitness shall be twenty-five rupees where such renewal remains valid for a period of six months only."

(9) for sub-rule (a) of rule 38, substitute the following sub-rule :—

"(a) The fee for registration of a motor vehicle shall be,—

(i) in respect of invalid carriage—Nil.

(ii) in respect of a motor cycle—Thirty-five rupees.

(iii) in respect of a light motor vehicle—Sixty-five rupees.

(iv) in respect of a medium motor vehicle—Ninety rupees.

(v) in respect of a heavy motor vehicle—One hundred and fifty rupees.

(vi) in respect of temporary registration of any motor vehicle—Twenty-five rupees.

(vii) in respect of duplicate certificate of registration—Twenty-five rupees.

(viii) in respect of extension temporary registration of a vehicle under the proviso to sub-section (2) of section 25 of the Act—Twenty-five rupees.";

(10) in sub-rule (b) of rule 39, for the words "seven rupees and fifty paise", substitute the words "fifteen rupees";

(11) in the proviso to rule 39A, for the letters, figures and word "Rs. 25 only";

(12) in sub-rule (e) of rule 41,—

(i) for the words "ten rupees", substitute the words "twenty rupees", and

(ii) for the words "five rupees", substitute the words "ten rupees" ;

(13) in rule 46,—

(a) in sub-rule (c),—

(i) for the words "four hundred and fifty rupees", substitute the words "one thousand rupees", and

(ii) for the words "two hundred and twenty-five rupees", substitute the words "five hundred rupees" ;

(b) in sub-rule (1), for the words "fifteen rupees", substitute the words "forty rupees" ;

(14) in rule 51,—

(i) for the words "fifty paise", substitute the words "two rupees", and

(ii) in the third proviso, for the words "twenty-five paise", substitute the words "one rupee" ;

(15) for sub-rule (a) of rule 59A, substitute the following sub-rule :—

"(a) (i) The fee for application for grant of stage carriage permit, public carrier's permit, contract carriage permit, private service vehicle permit or private carrier's permit, or for the grant of a temporary permit for a stage carriage shall be fifty rupees ;

(ii) The fee for application for renewal of a stage carriage permit, public carrier's permit, contract carriage permit, private service vehicle permit or a private carrier's permit shall be twenty-five rupees" ;

(16) in sub-rule (b) of rule 59B for the words "rupees one hundred", substitute the words "rupees two hundred" ;

(17) for rule 65, substitute the following rule :—

"65. *Permit fees.*—The fees in respect of grant or renewal of permit other than temporary and special permit shall be—

(i) in respect of stage carriages,—

(a) rupees eighty per region per vehicle per annum for the regions of Calcutta and Howrah,

(b) rupees fifty-five per region per vehicle per annum for other regions ;

(ii) in respect of contract carriages,—

(a) rupees fifty per region per vehicle per annum for the regions of Calcutta and Howrah, and

(b) rupees thirty per region per vehicle per annum for other regions ;

(iii) in respect of private carriers—rupees one hundred and twenty-five per vehicle per annum for any one or more regions within the State ;

(iv) in respect of private service vehicle—rupees seventy per vehicle per annum for any one or more regions within the State ;

(v) in respect of public carriers,—

(a) rupees one hundred and fifty per vehicle per annum for any one region,, and

(b) rupees two hundred per vehicle per annum for more than one region.

Explanation.—For the purpose of sub-clauses (a) and (b) the region of Calcutta and Howrah together shall be deemed to constitute one region." ;

(18) for rule 65A, substitute the following rule :—

"65A. *Temporary permit fees*—The fees for the grant of temporary permit shall be—

(a) within the State,—

(i) rupees ten per vehicle per region up to two days.

(ii) for a period exceeding two days, rupees twenty-five per vehicle per region per week or part thereof, and

(b) for any other State, rupees fifty per vehicle per week or part hereof"

(19) for rule 65B, substitute the following rule :—

"65B. *Countersignature permit fees.*—The fees for the counter signature of permits shall be—

(i) in respect of stage carriages,—

(a) rupees seventy-five per annum or part thereof per region per vehicle in the State :

Provided that when a permit valid for more than one region has been issued by the Regional Transport Authority of any region under the approval of the State Transport Authority, West Bengal and fees for permit, in accordance with rule 65, have been paid in respect of all the regions covered by the permit, fees for counter signature shall not be charged for authorising the vehicle to ply in the regions covered by the permit, other than the region of the Regional Transport Authority which issued the permit.

(b) rupees one hundred and seventy-five per annum or part thereof for one region in respect of a vehicle coming from any other State, and

(c) rupees four hundred per annum or part thereof for more than one region in respect of a vehicle coming from any other State ;

(ii) in respect of contract carriages,—

(a) rupees fifty per annum or part thereof per region per vehicle in the State :

Provided that when a permit valid for more than one region has been issued by the Regional Transport Authority or any region under approval of the State Transport Authority, West Bengal, and fees for permit in accordance with rule 65, have been paid in respect of all the regions covered by the permit, fees for contersignature shall not be charged for authorising the vehicle to ply in the regions covered by the permit, other than the region of the Regional Transport Authority which issued the permit.

(b) rupees one hundred and twenty-five per annum or part thereof for one region in respect of a vehicle coming from any other State, and

(c) rupees two hundred and fifty per annum or part thereof for more than one region in respect of a vehicle coming from any other State ;

(iii) in respect of public carriers,—

(a) rupees fifty per annum or part thereof per region per vehicle in the State,

(b) rupees one hundred and twenty-five per annum or part thereof per vehicle for the whole of the State,

(c) rupees one hunred and eighty per annum or part thereof for region in repect of a vehicle coming from any other State, and

(d) rupees four hundred per annum or part thereof for more than one region in respect of a vehicle coming from any other State ;

(iv) in respect of private service vehicles—

(a) rupees twenty-five per annum or part thereof per region per vehicle in the Sate,

(b) rupees seventy per annum or part thereof for the whole of the State,

(c) rupees sixty-five per annum or part thereof for one region in respect of a vehicle coming from any other State, and

(d) rupees one hundred and thirty per annum or part thereof for more than one region in respect of a vehicle coming from any other State, and

(v) in respect of private carriers,—

(a) rupees fifty per annum or part thereof per region per vehicle in the State,

(b) rupees one hundred per annum or part thereof per vehicle for the whole of the State,

(c) rupees one hundred and thirty per aunum or part thereof for one region in respect of vehicle coming from any other State, and

(d) rupees one hundred and sixty per annum or part thereof for more than one region in respect of a vehicle coming from any other State";

(20) in rule 65DD, for the words "rupees ten", substitute the words "rupees forty";

(21) in rule 65H, for the words "two rupees", substitute the words "twenty rupees";

(22) in clause (i) of sub-rule (e) of rule 79 for the words "twenty-five rupees", substitute the words "forty rupees";

(23) for sub-rule (e) of rule 80, substitute the following sub-rule :—

"(e) The fee for issue of a duplicate permit or for the issue of a duplicate Part A or Part B permit shall be twenty-five rupees. The fees for the issue of a duplicate temporary permit shall be ten rupees";

(24) for rule 86A, substitute the following rule :—

"86A. *Fees for appeal.*—(1) The fees in respect of a memorandum of appeal under section 64 of the Act shall be—

(a) when preferred to the State Transport Appellate Tribunal under rule 84, rupees fifty, and

(b) when preferred to the State Transport Appellate Tribunal under rule 83, rupees one hundred.

(2) The fee in respect an application for revision before the State Transport Appellate Tribunal under section 64A of the Act shall be rupees forty.

(3) Such fee shall be payable by Treasury Challan which shall accompany the memorandum of appeal or the application as the case may be";

(25) for sub-rule (c) of rule 96, substitute the following sub-rule :—

"(c) The fee for the issue of a badge as aforesaid shall be five rupees. If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued, on payment of five rupees. And upon the return to the issuing authority of a badge or of a duplicate badge, the driver shall be entitled to a refund of five rupees :

Provided that where the actual cost incurred by the State Government for a badge exceeds five rupees, the State Government may direct that such actual cost shall be charged as the fee under this sub-rule." ;

(26) for sub-rule (c) of rule 97, substitute the following sub-rule, namely :—

"(c) The fee for the issue of a conductor's badge aferesaid shall be five rupees. If the badge is lost or distroyed, a duplicate badge shall be issued by the authority which issued it, on payment of five rupees. And upon return to the issuing authority of a badge or a duplicate badge, the conductor shall be entitled to a refund of five rupees :

Provided that where the actual cost incurred by the State Government for a badge exceed five rupees, the State Government may direct that such actual cost shall be charged as the fee under this sub-rule." ;

(27) in rule 109A,—

(a) in the second proviso to sub-rule (2) of rule 109A, for the words "rupees ten", substitute the words "rupees twenty-five" ;

(b) in sub-rule (6), for the words "one hundred rupees", substitute the words "two hundred rupees", and (c) in sub-rule (9), for the words "rupees ten", substitute the words "rupees twenty-five" ;

(28) in sub-rule (1) of rule 109CC, for the words "rupees one thousand", substitute the words "rupees ten thousand" ;

(29) in sub-rule (2) of rule 109D, for the words "twenty rupees", substitute the words "fifty rupees" :

(30). in sub-rule (c) of rule 109E, for the letters and figures "Rs. 5". substituted the words "rupees twenty-five" ;

(31) in sub-rule (4) of rule 181B,—

(a) for the words "twenty-five rupees", substitute the words "forty rupees" and

(b) for the words "thirty-two rupees", substitute the words "fifty rupees" ;

(32) in sub-rule (4) of rule 181E,—

(a) for the words "five rupee", substitute the words "twenty-five rupees" and

(b) for the words "one rupee", substitute the words "five rupees".

2. These amendment shall have effect from the 1st April, 1982.

Published in the *Calcutta Gazette*, (*Extra.*), Part I, No. 518, dated August 24, 1984.

DEPARTMENT OF LOCAL GOVERNMENT AND URBAN DEVELOPMENT

No. 824/C-4/M3R-1/83.—(*24th August, 1984*)—In exercise of the powers conferred by section 111 of the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), and in supersession of all previous notification on the subject, the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 600 of the said Act, the following rules :—

RULES

The Calcutta Municipal Corporation (Procedure and Conduct of (Business) Rules, 1984.

CHAPTER I

Preliminary

1. *Short title.*—(1) These rules may be called **the Calcutta Municipicipal Corporation (Procedure and Conduct of Business) Rules, 1984.**

(2) These shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires—

(a) "the Act" means the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) ;

(b) "member" means a member of the Corporation ;

(c) "motion" means a proposal made by a member for the consideration at a meeting of the Corporation relating to any matter which may be discussed by the Corporation at such meeting, and includes an amendment ;

(d) "section" means a section of the Act.

(2) Words and expressions used in these rules but not otherwise defined shall have the same meaning as in the Act.

CHAPTER II

Meeting of the Corporation

3. *Meeting duly constituted.*—A meeting of the Corporation is duly constituted when it is presided over by the Chairman or any other member competent to preside over a meeting of the Corporation under the Act.

4. *First meeting of the Corporation.*—(1) The first meeting of the Corporation under section 95 after each general election shall be held as early as possible, but not latter than fifteen days, after the publication of the results of the election of Aldermen under section 74.

(2) The meeting shall be convened by the Municipal Secretary on such date and such at place and time as the State Government may fix.

(3) Notice of such meeting shall be given by the Municipal Secretary to all members at least ten days before the date of the meeting in the manner laid down in section 96.

5. *Day and hour of meeting.*—(1) Ordinarily the Chairman shall convene a meeting of the Corporation in the Municipal Council Chamber once in every month and shall in consulation with the Mayor determine for how many days the meeting shall continue.

(2) Subject to the direction of the Chairman, the meeting shall ordinarily commence at 1 p.m. and shall ordinarily conclude at 7 p.m.

6. *Adjournment of the meeting of the Corporation.*—The Chairman shall determine when a meeting of the Corporation shall be adjourned to a particular day or to an hour or part of the same day.

7. *List of business.*—(1) The list of business to be transacted at every meeting shall be prepared by the Municipal Secretary under the direction of the Chairman.

(2) Save as otherwise provided in these rules, no business not included in the list of business shall be transacted at any meeting without the permission of the Chairman.

8. *Notice.*—(1) Notice of a meeting of the Corporation shall be issued by the Municipal Secretary under the direction of the Chairman to all members in the manner laid down in section 96 at least ten days before the date fixed for the meeting.

(2) The Municipal Secretary shall, under the direction of the Chairman, send the list of business to be transacted at every meeting of the Corporation, other than an adjourned meeting, to the members in the manner and within the time specified in section 96.

9. *Requisitioned meeting.*—(1) A meeting upon a requisition referred to in sub-section (2) of section 94 shall be called not later than 15 days from

the date of receipt of the requisition.

(2) The requisition together with the names of the signatories thereto and the nature of business mentioned therein shall be set out in the list of business.

(3) At such meeting no proposal shall be made or discussed unless it directly relates to the business mentioned in the requisition.

(4) In the event of the discussion not being finalised on the day appointed for it, Chairman may adjourn the meeting to a convenient date and time.

10. *Quorum.*—The quoram necessary for the transaction of business at a meeting shall be one fifth of the total members of the Corporation as provided in section 97.

CHAPTER III

Election of Mayor and Chairman

11. *Mayor and Chairman to be elected at the first meeting.*—At the first meeting of the Corporation the elected members shall under section 6 elect from among themselvs—

(a) one member to be the Mayor, and

(b) one member to be the Chairman,

12. *Nomination of candidates for the election of Mayor and Chairman.*—(1) At any time before 1 p.m. on the seventh day preceding the date fixed under sub-rule (2) of rule 4 any elected member may—

(a) nominate another elected member for the election of the Mayor,

(b) nominate another elected member for election of the Chairman,

by delivering to the Municipal Secretary a nomination paper signed by himself as proposer and by a third elected member as seconder, and stating—

(a) the name of the elected member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as the Mayor or the Chairman, as the case may be.

(2) If the day preceding the date so fixed is a holiday or one of a series of holidays, the nomination paper shall be delivered before 1 p.m. on the day previous to the holiday or holidays, as the case may be.

(3) The nomination paper shall be in the form set out for the purpose in Annexure A.

13. *Procedure for election of Mayor and Chairman.*—(1) The person presiding shall read out the names of the members who have been duly nominated for the post of the Mayor together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Corporation shall proceed to elect a Mayor by secret ballot.

(2) After the election of the Mayor, the person presiding shall read out the names of the members who have been duly nominated for the post of the Chairman together with those of their proposers and seconders, and if only one member has been so nominated shall declare the member to be elected. If more than one member has been so nominated, the Corporation shall proceed to elect the Chairman by secret ballot.

(3) For the purposes of sub-rules (1) and (2) an elected member shall not be deemed to have been duly nominated or be entitled to vote if he, his

proposer and seconder, have not, before the reading out of the name by the person presiding, made the oath or affirmation as required under section 79.

(4) If, during the election of the Mayor or the Chairman, as the case may be, it appears that there is an equality of votes between the candidates at such election and the addition of a vote would entire one of such candidates to be elected as Mayor or the Chairman, as the case may be, then the person presiding over the meeting shall decide between such candidates by lot to be drawn in their presence and in such manner as he may determine and the candidate on whom the lot falls shall be deemed to have received an additional vote.

(5) The oath of secrecy referred to in section 6 shall be administered by the person presiding to the newly elected Mayor and the Chairman in the following form :

"I, A.B., do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Mayor/Chairman except as may be required for the due discharge of my duties as such Mayor/Chairman."

14. *Election of Mayor or Chairman in case of vacancy.*—(a) In the case of a vacancy in the office of the Mayor or the Chairman, as the case may be, by reason of death, resignation, removal or otherwise, a new Mayor or Chairman as the case may be, shall be elected at a meeting of the Corporation within one month of the occurrence of such vacancy.

(b) The meeting shall be convened by the Municipal Secretary on such date and at such place and time as the State Government may fix.

(c) Notice of such meeting shall be given by the Municipal Secretary to all members at least 10 days before the date fixed for such meeting.

(d) At any time before 1 p. m. on the seventh day preceding the date so fixed for the meeting, nomination papers may be filed in the manner laid down in rule 12.

(e) The procedure for election of the Mayor or the Chairman, as the case may be, shall be as laid down in rule 13.

CHAPTER IV

Oath of secrecy for Deputy Mayor and other member of the Mayor-in-Council

15. *Oath of secrecy.*—The oath of secrecy referred to in sub-section (2) of section 8 for the Deputy Moyor and the other members of the Mayor-in-Council shall be administered by the Mayor in the following form :

"I, A.B., do swear in the name of God/solemenly affirm that I will not directly or indirectly communicate or reveal to any person or person any matter which shall be brought under my consideration or shall become known to me as the Deputy Mayor/a member of the Mayor-in-Council except as may be required for the due discharge of my duties as such Deputy Mayor/member."

CHAPTER V

Questions

16. *Time for question.*—Unless the Chairman otherwise directs, the first hour of every day of the meeting shall be available for the asking of and answering to questions.

17. *Chairman to decide admisibility of question.*—The Chairman shall decide on the admissibility of a question with reference to the provisions of the Act and these rules and shall disallow any question when, in his opinion, it is an abuse of the right of questioning or is in contravention of these provisions.

18. *Chairman to decide questions for written answer.*—If in the opinion of the Chairman any question put down for answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed on the list of question for written answer.

19. *List of question.*—Questions which have not been disallowed shall be entered in the list of question for the day in accordance with the order of the Chairman.

20. *Members entitled to answer to two questions on a day.*—(1) Not more then two question by the same member shall be placed on the list of questions for oral answer on any one day. Questions in excess of two shall be placed on the list of questions for written answer.

(2) The order in which question for answer are to be placed shall be indicated by the member giving notice and if no such order is indicated the question shall be placed on the list of question in the order in which notices are received in point of time.

21. *Mode of asking questions.*—(1) When the time for asking question arrives, the Chairman shall call successively each member in whose name a question appears in the list of questions.

(2) The member so called shall rise in his place, and unless he states that it is not his intention to ask the question standing in his name, ask the questions by reference to his number on the list of question.

(3) If on a question being called it is not asked, or the member in whose name it stands is absent, the Chairman may at the request of any member direct that the answer be given.

22. *Supplementary question.*—(1) No discussion shall be permitted during the time for question under rule 16 in respect of any question or of any answer givin to a question.

(2) A member when called by the Chairman may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has to be given :

Provided that the Chairman shall disallow any supplementery question, if in his opinion, it infringes the rules regarding questions.

23. *Written answer to questions not replied.*—If any question placed on the list of questions for answer is not called for answer within the time available answering questions, a written reply to the question shall forthwith be laid on the table.

24. *Publicity of answers to questions.*—Answers to questions which a member of the Mayor-in-Council proposes to give in the meeting shall not be released for publication until the answers have actually been given on the floor of the House or laid on the Table.

CHAPTER VI

Motion for Adjournment on a matter of public importance

25. *Chairmain's consen necessary to make motion.*—Subject to the provision of these rules, a motion for an adjournment of the business of the Corporation for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Chairman.

26. *Method of giving notice.*—A member desiring to ask for leave to move a motion for the adjournment of the business of the Corporation for the purpose of discussing a definite matter of urgent public importance must give to the Municipal Secretary at least two hours' notice before the commencement of the meeting of the day on which he desires to ask for such leave, along with a copy of the motion proposed to be moved, and a short statement of the matter proposed to be discussed, The Municibal Secretary shall inform the member as early as possible whether the Chairman has given his consent or not.

27. *Restrictions on right to make adjournment motion.*—The right to move the adjournment of the Corporation for the purpose of discussing a definite matter of urgent public importance shall be subject to the following reatrictions namely :—

(a) the motion shall not relate to a matter which is not primarily the concern of the Mayor-in-Council ;

(b) not more than one such motion shall be made in day ;

(c) not more than one matter shall be discussed on the same motion;

(d) the motion shall be restricted to a specific matter of recent occurrence ;

(e) the motion shall not revive discussion on a matter which has been discussed in the meeting of the same month ;

(f) the motion shall not anticipate a matter, which has been previously appointed for consideration, and in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Chairman to the probability of the matter anticipated being brought before the Corporation within a reasonable time ;

(g) the motion shall not raise any question which under the Act or these rules can only be raised on a distinct motion by a notice given in writing to the Municipal Secretary ; and

(h) the motion shall not deal with any matter which is under adjudication by a court of law.

28. *Motion of discussion on matters before tribunals, commissions, etc.*—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate any matter, shall ordinarily be permitted to be moved.

29. *Mode of asking for leave to move adjournment motion.*—(1) The Chairman, if he gives consent under rule 25 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business are entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the Corporation:

Provided that where the Chairman has refused his consent under rule 25 he may, if he thinks, it necessary, read the notice of motion and state the reasons for refusing consent.

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty members rise accordingly, the Chairman shall intimate that leave is granted. If less than twenty members rise, the Chairman shall inform the member that he has not the leave of the Corporation.

30. *Time for taking up motion* —If no objection is taken to the motion for adjournment or leave is granted by the Corporation to move the motion, the Chairman shall intimate the hour at which the motion will be taken.

31. *Limitation of time for discussion.*—(1) The debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at the end of two hours' debate, and thereafter no question can be put.

(2) Ne speech during the debate shall exceed ten minutes in duration.

CHAPTER VII

Calling attention to matters of urgent public importance

32. *Calling attention to matters of urgent public importance.*—(1) A member may, with the previous peamission of the Chairman, call the attention of a member of the Mayor-in-Council to any matter of urgent public importance and the member of the Mayor-in-Council may make a brief statement or ask for time to make a statement at a later hour or date.

(2) A member wishing to call such attention shall give a notice in writing to the Municipal Secretary at least one hour before the commencement of the meeting on any day.

(3) There shall be no debate on such statement at the time it is made.

(4) Not more than one such matter shall be raised at the same meeting.

(5) In the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Chairman, is more urgent and important.

(6) The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the meeting of the Corporation.

CHAPTER VIII

Motion

33. *Method of giving notice.*—(1) Every notice of a motion shall be signed by the member giving the notice and shall be accompanied by the motion itself and shall reach the Municipal Secretary at least forty-eight hourse before the time fixed for the meeting.

(2) No previous notice is necessary for a motion—

(a) to refer a matter under debate back to the Mayor-in-Council ;

(b) to pass on to the next item of business ;

(c) to adjourn the debate (on any item) or to adjourn the meeting altogether to a definite time and place ;

(d) to close the debate on a motion by moving that "the question be now put".

34. *Conditions far admissibility of motion.*—In order that a motion may be admissible, it shall satisfy the following conditions, namely :—

(a) it must have a bearing on the municipal affairs of Calcutta ;

(b) it shall raise substantially one definite issue ;

(c) it shall not contain arguments, inferences, ironical expressions, imputations and defamatory statements ;

(d) it shall not, without the premission of the Chairman, arise a question substantialy the same as may have been disposed of by the Corporation within the proceeding two months ;

(e) it shall not relate to any matter which is under adjudication by a court of law.

35. *Raising discussion on matters before tribunals, commissions, etc.*—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commissions or court of inquiry appointed to enquire into, or investigate, any matter, shall be permitted to be moved.

36. *Chairman to decide admissibility of motion.*—The Chairman shall decide whether a motion or part thereof is or is not admissible under this rule and may disallow any motion or a part thereof when, in his opinion, it is an abuse of the right of moving a motion, or is calculated to obstruct or prejudicially affect the procedure of the Corporation, or is in contravention of this rule.

37. *Amendments of motion.*—A member giving notice of a motion may, with the permission of the Corporation, make alterations in his motion, or may, with the permission of the Corporation, withdraw it at any stage of the debate.

38. *Moving of motion.*—If a motion is not moved by the member giving notice of such motion or with the consent of the Chairman by some other member when it comes up for discussion, it shall be considered as dropped and shall not be moved again without fresh notice.

39. *Consideration of motion.*—(1) No motion to alter any resolution or any portion of a resolution, which has been passed by the Corporation, within the preceding two months, shall be considered until such resolution or the portion sought to be altered has first been rescinded.

(2) No motion to rescind such resolution or a portion of it shall be considered unless previous notice has been given under this rule by a member supported by nine other members :

Provided that if the Mayor-in-Council recommends such rescission or alteration of the previous resolution within the period of two months, the same shall be considered by the Corporation :

Provided further that no motion to alter any resolution or any portion of a resolution which relates to election of a person or persons can be moved.

(3) When once such motion has been disposed of by the Corporation, it shall not consider a similar motion within a further period of six months, except with the consent of three-fourths of the number of members present and voting

(4) No action arising out of a resolution of the Corporation shall be kept in abeyance merely by reason of a notice of motion having been received for rescinding or altering such resolution and is pending.

CHAPTER IX

Discussion at a meeting and rules to be observed

40. *Mode of discussion.*—(1) A member desiring to make any observation on any matter before the Corporation shall rise, when he speaks and shall address the Chairman :

Provided that a member disabled by sikness or infirmity may be permitted to speak sitting.

(2) The matter of every speech must be strictly relevant to the subject under discussion.

(3) A member who intends to move a motion shall read the same before speaking on it.

(4) In case a member desires to ask a question to a member of the Mayor-in-Council on any matter under consideration, he shall ask the question through the Chairman.

(5) Any debate and discussion on any item on the list of business shall not ordinarily exceed thirty minutes. The time-limit for the mover of a motion or amendment shall not, without the permission of the Chairman, exceed five minutes. The time-limit for the reply by the mover of a motion shall not, without the permission of the Chairman, exceed ten minutes.

(6) After the member, who moves a motion, has spoken, other members may speak on the motion in such order as the Chairman may call upon. If any member, who is so called upon, does not speak. he shall not be entitled, except with the permission of the Chairman, to speak on the motion at any later stage of the debate.

(7) Except in the exercise of a right of reply, or as otherwise provided in these rules. no member shall speak more than once on any motion except with the permission of the Chairman.

(8) A member, who has moved a motion, may speak again by way of reply, and if the motion is moved by a member other than a member of the Mayor-in-Council, any member of the Mayor-in-Council may, with the permission of the Chairman. speak whether he has previously spoken in the debate or not, after the mover has replied.

(9) Subject to the provisions of sub-rule (8). the reply of the mover of the original motion shall in all cases conclude the debate.

41. *Procedure when Chairman rises.*—Whenever the Chairman rises, he shall be heard in silence, and any member, who is then speaking or offering to speak, shall immediately sit down.

42. *Closure*—(1) At any time after a motion has been made, any member may move : "That the question be now put", and unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion : "That the question be now put."

(2) When the motion "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate :

Provided that the Chairman may allow a member any right of reply which he may have under these rules.

43. *Method of deciding matters.*—The method of deciding matters at a meeting shall be in accordance with the provisions of section 97.

44. *Proposal and putting of question.*—When a motion has been made, the Chairman shall propose the question for consideration and put it for Consideration of the Corporation. If a motion embodies two or more separate propositions those propositions may be proposed by the Chairman as separate questions.

45. *Procedure for obtaining decision of the Corporation.*—A matter requiring the decision of the Corporation shall be decided by mean of a question put by the Chairman on a motion by a member.

46. *Rules to be observed, while speaking.*—A member, while speaking, shall not—

(a) refer to any matter of fact on which a judicial decision is pending;

(b) make a personal charge against a member or an officer or employee of the Corporation;

(c) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;

(d) reflect on any determination of the Corporation except on a motion for rescinding it;

(e) use the President's or the Governor's name for the purpose of influencing the debate;

(f) utter treasonable, seditions or defamatory words;

(g) use his right of speech for the purpose of obstructing the business of the Corporation.

47. *Rules to be observed by members while present in the meeting of the Corporation.*—Whilst the Corporation is sitting a member—

(a) shall not read any book, newspaper or letter except in connection with the business of the Corporation;

(b) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

(c) shall bow to the Chair while entering or leaving the Municipal Council Chamber and also when taking or leaving his seat;

(d) shall not pass between the Chair and any member who is speaking;

(e) shall not leave the Municipal Council Chamber when the Chairman is addressing the meeting;

(f) shall always address the Chair;

(g) shall maintain silence when not speaking in the meeting of the Corporation;

(h) shall not obstruct proceeding, his or interrupt and shall avoid making running commentaries when speeches are being made in the meeting of the Corporation;

(i) shall not while speaking make an reference to the strangers in any of the Galleries.

CHAPTER X

Resolution

48. *Notice of a resolution by a member of the Mayor-in-Council.*—A member of the Mayor-in-council who wishes to move a resolution shall give notice to that effect forty-eight hours before the time fixed for the meeting.

49. *Notice of a resolution by a member other than a member of the Mayor-in-council.*—A member other than a member of the Mayor-in-council who wishes to move a resolution shall give notice to that effect forty-eight hours before the date of the ballot to be notified by the Municipal Secretary under the direction of the Chairman. The names of all the members from whom such notices are received shall be ballotted on such date and those members who secure the first three places in the ballot shall be eligible to give notice of one resolution each. The resolution shall be entered in the list of business. The remaining resolutions shall stand disallowed.

the cinema house at the rate specified below :

1. Shows held in any local area ,under a Municipal Council or a Notified Area Council, constituted under the Orissa Municipa Act, 1950 (Orissa Act 23 of 1950) having a population of fifty thousand or more,

(a) Where the seating capacity of the cinema house does not exceed eight hundred.	...	Twenty-five rupees
(b) Where the seating capacity of the cinema house exceeds eight hundred.	...	Twenty-five rupees plus two rupees for every additional one hundred seats or part thereof.

2. Shows held in other places.—

(a) Where the seating capacity of the cinema house does not exceed four hundred.	... ...	Ten rupees
(b) Where the seating capacity of the cinema house exceeds four hundred.	.. ...	Ten rupees plus one rupee for every additional one hundred seats or part thereof"

THE ORISSA UNIVERSITY LAWS (AMENDMENT) ACT, 1983.

The following Act of the Orissa Legislature Assembly having been assented to by the Governor on the 2nd June 1984 was published in the *Orissa Gazette* (*Ext.*), No. 993, dated June 8, 1984.

ORISSA ACT 16 OF 1984.

An Act to amend the Utkal University Act, 1966, the Berhampur University Act, 1966, the Sambalpur University Act, 1966 and Shri Jaganath Sanskrit Vishvavidyalaya Act, 1981.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fifth Year of the Republic of India, as follows :—

1. *Short title.*—This Act may be called **the Orissa University Laws (Amendment) Act, 1983**.

2. *Amendment of Section 9 of Orissa Acts 20, 21 & 22 of 1966.*—In section 9 of the Utkal University Act. 1966 (Orissa Act 20 of 1966), the Berhampur University Act, 1966 (Orissa Act 21 of 1966), and the Sambalpur University Act, 1956 (Orissa Act 22 of 1966), in sub-section (1), after clause (s-1), the following new clauses shall be inserted, namely :—

"(s-2) One person to be elected by the professors, Readers and Lecturers of all the Post Graduate Departments of the University excepting the Heads of Departments, from among themselves ;

(s-3) One person to be elected by the non-teaching employees of the University from among themselves ; ".

3. *Amendment of Section 9.*—In Section 9 of of Shri Jaganath Sanskrit Vishvavidyalaya Act 1981 (Orissa Act 31 of 1981), in Sub-section (1), after clause (s), the following new clause shall be inserted, namely :—

"(s-1) One person to be elected by the non-teaching employees of the Vishvavidyalaya from among themselves ;".

THE ORISSA APPROPRIATION (NO. 4) ACT. 1984

The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 14th September 1984, was published in the *Orissa Gazette* (*Ext.*), No, 1625, dated September 15, 1984.

ORISSA ACT 19 OF 1984

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated fund of fhe State of Orissa for the services of the Financial Year, 1984-85.

Be it enacted by the Legislature of the State of Orissa in the Thirty-fifth Year of the Republic of India, as follows --

1. *Short title.*—The Act may be called **the Orissa Appropriation (No. 4) Act**, 1984.

(Text omitted)

THE ORISSA MUNICIPAL (AMENDMENT) ACT, 1984

The following Act of Orissa Legislativs Assembly having been assented to by the Governor on the 2nd April, 1984 was published in the *Orissa Gazette* (*Ext.*), No. 504, dated April 2. 1982.

ORISSA ACT NO. 8 OF 1984

An Act to amend the Oriss Municipal Act, 1950.

Be it enacted by the State of Orissa in the Thirty-fifth Year of the Republic of India, as follows :—

1. *Short title and commencement.—(1)* This Act may be called **the Orissa Municipal (Amendment) Act, 1984.**

(2) It shall be deemed to have come into force on the 6th day of December, 1983

2. *Amendment of Section* 8.—For Section 8 of the Orissa Municipal Act, 1950 (Orissa Act 23 of 1950) (hereinafter referred to as the principal Act), the following section shall be substituted, namely :—

"8. There shall be established for each Municipality a body to be called the Municipal Council shall consist of such number of councillors, not being more than thirty nor less than eleven, as the State Government may specify in the notification constituting the Municipality."

3. *Amendment of Section 10.*—For Section 10 of the principal Act including its marginal heading, the following section and the marginal heading shall be substituted, namely :—

"10. *Councillors of the Municipal Council to be elected.*—All the councillors of a Municipal Council shall be elected in the manner provided under this Act and the prescribed rules."

4. *Amendment of Section 12.*—In Section 12 of the principal Act,—

(a) in sub-section (1) the words "the Chairman and" shall be deleted ; and

(b) sub-section (4-a) shall be deleted.

5. *Amendment of section 14*·—In Section 14 of the principal Act, sub-section (1) shall be deleted.

6. *Amendment of Section 16.*—In Section 16 of the principal Act,—

(a) in sub-section (1), for the words "as Chairman or Councillor" the words "as a Councillor" shall be substituted ;

(b) in sub-section (2)—

(i) the words "a Chairman or" shall be deleted ; and

(ii) for the words and commas "his Chairmanship or Councillorship. as the case may be", the words "his Councillorship" shall be substituted.

7. *Amendment of Section 17.*—In Section 17 of the principal Act,—

(a) in the opening lines, the words "a Chairman shall be deleted; and

(b) in clause (i), words and comma "in the case of a Councillor", shall be deleted.

8. *Amendment of Section 18.*—In Section 18 of the principal Act, for the words, "as a Chairman or as a Councillor" wherever they occur, the words "as a councillor" shall be substituted,

9. *Amendment of Section 27.*—In Section 27 of the principal Act, the words "a Chairman or" shall be deleted.

10. *Amendment of Section 29.*—In Section 29 of the Principal Act. the words "the Chairman or a" shall be deleted

11. *Amendment of Section 37.*—In Section 37 of the principal Act, the words "Chairman or" wherever, they occur, shall be deleted.

12. *Amendment of Section 38.*—In Section 38 of the principal Act, the words "Chairman or" whereever they occur, shall be deleted.

13. *Amendment of Section 38-A*—In Section 38-A of the principal Act, the words "Chairman or" wherever they occur, shall be deleted.

14. *Amendment of Section 41.*—In Section 41 of the principal Act,—

(a) in the marginal heading, the words "the Chairman and the" shall be deleted;

(b) in sub-section (1), (2) and (3), the words "Chairman or" wherever they occur, shall be deleted;

(c) in sub-section (4) the words "Chairman and" wherever they occur, shall be deleted; and

(d) in sub-section (6), the words "the Chairman and" shall be deleted.

15. *Amendment of Section 43.*—In section 43 of the principal Act, after the words and comma "A councillor" the words "not being a Chairman" shall be inserted.

16. *Amendment of Sections 47 and 47-A*—For Sections 47 and 47-A of the principal Act, including the marginal headings thereof, the following Section and the marginal heading shall be substituted, namely :—

"47. *Election of Chairman and Vice-Chairman*—(1) At the first meeting of a Municipal Council, called at the instance of the District Magistrate, a Chairman and a Vice-Chairman shall be elected by the councillors from among themselves.

(2) Such election shall be held within thirty days from the date of publication of the names of councillors under Section 39 or, in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman or Vice-Chairman, within thirty days from the date of occurrence of such vacancy, and the District Magistrate or an Officer not below the rank of an Additional District Magistrate authorised by the District Magistrate in that behalf. shall preside over the meeting held for such election.

(3) If at an election held under sub-eection (1), no Chairman or Vice-Chairman is elected, a fresh election shall be held within thirty days from the date of the first election.

(4) If the councillors fail to elect a Chairman or a Vice Chairman within the period specified in sub-section (3), the State Government may fill up these offices by appointment until such time as the Municipal Council

elect such Chairman or Vice-Chairman in the prescribed manner :

Provided that no salaried servant of Government shall be eligible for such appointment."

17 *Amendment of Section 48.*—For Section 48 of the principal Act, the following section shall be substituted, namely :—

"48. The Chairman or the Vice-Chairman shall be deemed to have vacated his office—

(a) on the expiry of his term of office as a Councillor of the Municipal Council or on his otherwise ceasing to be such Councillor ; or

(b) on his election as Chairman or Vice-Chairman of any other Municipal Council".

18. *Amendment of Sections 49 and 49-A.*—For Section 49 and49-A of the principal Act, the following section shall be substituted, namely :—

"49. (1) On a vancancy occurring in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the District Magistrate shall, as soon as may be after occurrence of the vacancy, convene a meeting of the councillors who shall elect in the prescribed manner a person from among themselves to fill up the vacancy.

(2) All such meetings shall be presided over by the District Magistrate or by such offcer as may be authorised by him in that behalf.

(3) The provisions contained in sub-sections (3) and (4) of Section 47 shall apply in respect of such election "

19. *Insertion of Section 50.*—After Section 49 of the principal Act, the following section including the marginal heading shall be inserted, namely :—

"50. *Status of appointed Chairman or Vice-Chairman.*—Notwithstanding anything contained in Section 8, every Chairman or Vice-Chairman appointed under sub-section (4) of Section 47 shall, if he is not a Councillor of the Municipal Council of which he has been appointed Chairman or Vice-Chairman, from the date of his appointment during the term of his office, enjoy all rights and privileges and be subject to all liabilities and disabilities of a Councillor of such Municipal Council."

20. *Amendment of Section 52.*—In Section 52 of the principal Act,—

(a) in sub-section (2), for the words "State Government" the words "Municipal Council" shall be substituted ; and

(b) in sub-section (4) for the words and commas "State Government or the Municipal Council, as the case may be," the words "Municipal Council" shall be substituted.

21. *Amendment of Section 54.*—In Section 54 of the principal Act, in the proviso to sub-section (1), for the words "within two years from the date of election or nomination" the words "within one year from the date of election or appointment" shall be substituted.

22. *Repeal and Saving.*—(1) The Orissa Municipal (Amendment) Ordinance, Orissa Ordinance No. 15 of 1983) 1983 is hereby repealed.

(2)Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

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Published in the *Maharashtra Govt. Gazette*, Part IV (Ka), dated 19th August, 1985

BY THE MAHARASRTRA HOUSING AND AREA DEVELOPMENT AUTHORITY

No. MH/EMR/1084/21544/EM-9.—(Griha Nirman Bhuvan, Bandra (East), Bombay 400 051, dated the 8th August 1985)—In exercise of the powers conferred by sub-section (1) of section 185 of the Maharashtra Housing and Area Development Act 1976 (Mah. XXVIII of 1977), read with section 28 and 64 of the said Act and rule 17 of the Maharashtra Housing and Area Development (Disposal of Land) Rules, 1981, and of all other powers enabling it in that behalf the Maharashtra and Area Development Authority, with the previous sanction of the Government of Maharashtra, hereby makes the following regulations further to amend the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) Regulations, 1981, namely :—

1. *Short title.*—These Regulations may be called **the Maharashtra Housing and Area Development (Estate Management, Sale, Transfer and Exchange of Tenements) (Amendment) Regulations, 1985.**

2. *Substitution of Regulation 16.*—For Regulation 16 of the Maharashtra Housing and Area Development (Estate Management, Sale Transfer and Exchange of Tenements) Regulations, 1981, the following Regulation shall be substituted namely :—

"16. *Allotment of tenements by Board on direction of State Government.*—(1) Notwithstanding anything contained in these Regulations but subject to the provisions of clauses (2) and (3), the Board may allot any tenements in any building to any person according to the direction of the State Government :

Provided that tenements already advertised for allottment for members of the public shall not be so allotted.

(2) The number of tenements to be so allotted shall be restricted to the extent of 2 per cent of the total number of tenements in building the tenements in which are notified for the first time, by issuing advertisement or otherwise, for disposal in accordance with the provisions of these regulations in the year under each of the Economically Weaker Section, Lower Income Group, Middle Income Group and Higher Income Group category by the authority through its Boards. The State Government may release any of the tenements earmarked earliar for it for a category under any scheme in any city, town or area under this Regulation and direct the Board to allot in lieu thereof a tenement in the same category in any other scheme in the same city, town or area if it is still available for allotment to any person intimated by the State Government.

(3) The tenements in any scheme remaining unallotted even after the issue of two advertisments as provided in these Regulations shall be deemed to be available for the purposes of this Regulation and may, if so directed by the Government be alloted by the Board to Government nominees, within the quota specified in clause (2)."

Published in the *Maharashtra Govt. Gazette* Part IV (Ka) dated July 18, 1985

HOME DEPARTMENT

No MCT. 0285/163-TRA-6.—(Mantralaya, Bombay 400 032, dated the 24th June 1985)—Whereas by Government Notification, Home Department (Transport), No. MCT. 0283/2-TRA-6, dated the 16th June 1984 (hereinafter referred to as "the said notification"), the Government of Maharashtra regulated the distribution of business before the Claims Tribunal and the three Additional Claims Tribunals for the area comprised within the limits of Municipal Corporation of Greater Bombay ;

And whereas the Additional Claims Tribunal having remained vacant, the matters pertaining to the year 1981 and 1982 as mentioned in sub-clauses (ii) and (iii) of clause (e) of the said notification, were not taken up for hearing before the said Additional Claims Tribunal ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of **section 110 of the Motor Vehicles Act 1939** (IV of 1939) and in partial supersession of the said notification in so far it relates to the matters mentioned in clauses (ii) and (iii) of clause (e) thereof the Government of Maharashtra hereby **redistributes those matters between the Additional Claims Tribunal and the Third Additional Claims Tribunal** as follows, namely :—

(a) claim applications pending before the Additional claims Tribunal pertaining to the year 1981 and 1982 (including part-heard matters) mentioned in sub-clause (ii) and (iii) of clause (e) of the said notification shall be heard and decided by the Third Additional Claims Tribunal, in addition to the matters already distributed thereto ;

(b) such claim applications pending before Third Additional Claim Tribunal pertaining to the year 1984 (excluding Transfer applications Nos. 1, 2 and of 1984 transferred by the Supreme Court) as per item (4) of paragraph (D) of sub-clause (iii) of clause (e) of the said notification shall be heard and decided by the Additional Claims Tribunal, in addition to the matters already distributed thereto except the matters for the year 1981 and 1982 :

Provided that such applications made to the Claims Tribunals and the three Additional Claims Tribunals before the date of publication of this notification in the *Official Gazette* which are part-heard on such date shall continue to be heard and decided respectively by each of them, as the case may be, as if this notification had not been issued.

Published in the *Maharashtra Gazette*, Part IV(Ba.), dated March 28, 1985.

RURAL DEVELOPMENT DEPARTMENT

No. ZPR. 6085/CR-6/64.—(*Mantralaya, Bombay 400 032, dated the 8th March, 1985*)—In exercise of the powers conferred by clause (xiii) of sub-section (2) of section 274, read with clause (a-a) of sub-section (1) of section 58 of the Maharashtra Zilla Parishad and Panchayat Samitis Act. 1961 (Mah. V of 1962), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules the same having previously been published as required by sub-section (3) of the said section 274, namely :—

1. *Short title.*—These rules may be called **the Maharashtra Panchayat Samitis Scheduled Castes and Scheduled Tribes (Manner and Periodicity of Rotation of Reservation of Seats) Rules, 1985.**

2. *Definitions.*—In these rules, unless the context requires otherwise,—

(a) "Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

(b) "electoral college" means an electoral college determined under clause (a) of sub-section (1) of section 58 ;

(c) "electoral division" means an electoral division of a district constituted under section 12 ;

(d) "section" means a section of the Act.

3. *Power of the State Government to decide the rotation of seats for the Scheduled Castes and Scheduled Tribes.*—Subject to the provisions of rules 4 and 5 where the population of an electoral college in any Block consists of Scheduled Castes or Scheduled Tribes and a seat has been reserved for such Castes or Tribes in such electoral college immediately before the commencement of these rules, then the seat so reserved shall be rotated to the electoral college in which no seat has been reserved for them immediately before such commencement and in which the percentage of population of such Castes or Tribes is the highest and so on until the electoral college in that Block having the percentage of population of not less than one per cent of such Castes or Tribes is reached.

4. *Permanent Reservation* —Subject to the provisions of rule 5 where in a Block, the electoral colleges consist of the population of the Scheduled Castes or Scheduled Tribes of not less than two thirds of the total population and a seat has been reserved in each of such electoral college for such Castes or Tribes immediately before the commencement of these rules then the question of rotation of seats to any other electoral college in that Block does not arise.

5. *Declaration of rotation of reservation.*—The State Government may by notification in the *Official Gazette*, declare its intention of rotating the seat reserved for Scheduled Castes or Scheduled Tribes in any electoral college under clause (a-a) of sub-section (1) of section 58 immediately before the commencement of these rules to such electoral college as may be specified in the notification. The notification shall state that any objections and suggestions which may be received by the State Government within a period of not less than seven days to be specified in the notification, shall be considered by the State Government.

6. *Rotation of reservation.*—The seat reserved for Scheduled Castes or Scheduled Tribes in any electoral college may be rotated not earlier than six months before the date of expiry of the term of office of the members of the *Panchayat Samiti* of the Block.

Published in the *Maharashtra Govt. Gazette*, Part IV-Ka,
dated July 11, 1985,

BY THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

No. PR (Revn)/0703/73.—The Honorable the Chief Justice and Judges of the High Court at Bombay, with the previous approval of the Governor of Maharashtra under the proviso to clause (3) of article 227 of the Constitution of India, are hereby pleased to direct that the following amendments be made in the Civil Manual, 1960.

In Chapter XXVI of the Civil Manual, 1960 in paragraph 504, after sub-paragraph 13, the following shall be inserted, namely :—

"13-A. (i) Certified copy prepared on Xerox machine shall be charged at the rate of Rs. 1 and 50 paise, per page ;

(ii) Urgent copy shall be charged one and half times the rate for an ordinary copy prepared on a Xerox machine.

(iii) Charges for vernacular certified copies prepared on a Xerox machine shall be at the same rates specified above."

High Court, Appellate Side, V. Y. GUPTE,
Bombay, 17th September, 1984. Additional Registrar.

Published in the *Maharashtra Government Gazette*, Part IV, (Aa), dated June 27, 1985.

REVENUE AND FOREST DEPARTMENT

No. TRS. 1083/91882(i)/CR-87-F6,—(*Mantralaya, Bombay 400 032, dated the 31st May, 1985*)—In exercise of the powers conferred by sub-section (2) of section 1 of **the Indian Forest (Maharashtra Amendment) Act, 1984** (Mah. VII of 1985), the Government of Maharashtra hereby appoints the 1st day of June, 1985, to be the date on which the said Act shall come into force in the whole of the State of Maharashtra.

Published in the *Maharashtra Govt. Gazette*, Part IV(Ba), dated June 27, 1985.

AGRICULTURE AND CO-OPERATION DEPARTMENT

No APM. 20785/4998/II/11-C.—(*Mantralaya Annexe, Bombay 400 032*, dated the 18th April 1985)—In exercise of the powers conferred by sub-section (1) and clause (d) of sub-section (2) of section 60 of the Maharashtra Agriculture Produce Marketing (Regulation) Act 1963 (Mah. XX of 1964). and of all other powers enablihg it in that behalf, the Government of Maharashtra hereby makes the following Rules further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, the same having been previously published as required by sub-section (3) of the said section 60, namely :—

1, These rules may be called **the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Rules, 1985.**

2. After rule 35 of the Maharashtra Agriculture Produce Marketing (Regulation rules, 1967 (hereinafter referred to as "the principal rules"), the following new rules shall be inserted, namely :—

"35-A. *Preparation of list of voters for elections to Bombay Agricultural Produce Market Committee.*—(1) For the purpose of electing representatives of agriculturists of the Bombay Agriculture Produce Marketing Committee under sub-clause (i) of clause (a) of sub-section (1-A) of section 13 of the Maharashtra Agriculture Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), the Collector of Bombay shall call upon the District Deputy Registrars Co-operatives Societies of all the districts in each of Revenue Divisions in the State, to furnish to him a list of agriculturist members of Agricultural Produce Market Committees within their respective jurisdiction elected under clause (a) of sub-section (1) of section 13 of the Act, before the date specified in that behalf by him.

(2) On receipt of such lists the Collector of Bombay shall prepare a voters' list separately for each of the Revenue Division and every such list shall be published on the notice board of the respective offices of the Collector, Bombay the District Deputy registrar of Co-operative Societies and office of the Collectors of the respective districts in the respective Revenue Division and in any other manner as the Collector of Bombay may deem fit.

35-B. *Application of certain other rules relating to list of voters nomination papers, election procedure of the elections to Bombay Agricultural Produce Market Committee.*—Save as otherwise provided in these rules the provisions of rules 36 to 39, 41 to 82, 83 (1) and 84 to 90 shall apply *mutatis mutandis* to the elections of members of the Bombay Agricultural Produce Market Committee.

35-C. *Nomination of representative to Bombay Agricultural Produce Market Committee.*—For the purpose of nomination of members under sub-clausss (iii), (iv) and (vi) of clause (a) of sub-section (1-A) of section 13, the Collector of Bombay shall call upon the Maharashtra State Agricultural Marketing Board, the Municipal Corporation of Greater Bombay and the Maharashtra State Co-operative Marketing Federation Limited, Bombay respectively to communicate the name of their respective representative before the date which the Collector of Bombay may specify in that behalf.".

3. In rule 38 of the principal rules, after sub-rule (3), the following new sub-rule shall be inserted, namely :—

"(4) Every person whose name is included in the list of voters prepared under rule 35-A shall, unless disqualified under these rules, be qualified to be elected to the Bombay Agricultural Produce Market Committee.".

4. In rule 83 of the principal rules in sub-rule (2), after the word, brackets, and figures "of sub-section (1)" the following words, brackets, letters shall be inserted, namely :—

"or sub-clauses (iii), (iv), (v), (vi) and (vii) of clause (a) of sub-section (1-A) as the case may be.".

Published in the *Maharashtra Govt. Gazette* Part IV, (Aa) dated,
August 1, 1695

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. ECA-9685/1220/(1633)/XXIII.—(Mantralaya Annexe, Bombay 490 032, dated the 19th July 1985)—In exercise of the powers conferred on the Central Government by sub-section (1) and clauses (d), (ii) and (j) of sub-section (2) of section 3 of Essential Commodities Act, 1955 (10 of 1955) delegated to the Government of Maharashtra by the Government of India Ministry of Industries and Civil Supplies (Department of Civil Supplies and Co-operation), Order S. O. 681 (E), dated the 30th November 1974, the Government of Maharhshtra hereby makes the following Order, namely :—

1. *Short title extent and commencement*.—(1) This order may be called the **Maharashtra Cattle Fodder (Transport Control) Order, 1985**.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force in Nashik and Dhule Districts at once and in other District or Districts on such date as the State Government

may, by notification in the *Official Gazette* appoint but the State Government may from time to time, by notification in the *Official Gazette* direct that it shall cease to be in force in any district on such date or that it shall come into force in any such District again on any such subsequent date as may be specified in that notification.

2. *definitsons.*—In this order, unless the context otherwise requires,—

(a) "Act" means the Essential Commodities Act. 1955 (10 of 1955);

(b) "Bombay Rationing Area", means the area specified as such in Schedule 'A' to the Maharashtra Foodgrains Rationing (Second) Order, 1966;

(c) "Cattle Fooder" means any one or more varities of cattle fodder specified in Schedule I ;

(d) "Collector", in Greater Bombay, means the Controller of Rationing and includes any Deputy or Assistant Controller of Rationing and elsewhere means the Collector of the district and includes any Assistant or Deputy Collector or the District Supply Officer, Assistant District Supply Officer, Foodgrains Distribution Officer, or any other Officer authorised by the Collector of a District in this behalf ;

(e) "District" shall have the meaning assigned to it in the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and includes Greater Bombay ;

(f) "Schedule" mean a Schedule to this Order ;

(g) "Transport" means movement from one place to another within the State.

3. *Persons not to transport cattle fodder without authorisation from any districts.*—No person shall transport, attempt to transport or abet the transport of any cattle fodder from any district in the State in which this order is in force to any area in the State outside the said district, except under and in accordance with an authorisation granted by the Collector having jurisdiction over the area from which such transpost is to take place :

Provided that, no such authorisation shall be necessary in respect of—

(a) the transport of cattle fodder on Government account : or

(b) the transport of cattle fodder under and in accordance with Military Credit Notes.

4. *Form of authorisation for transport.*—An authorisation for the purpose of clause 3 shall ordinarily be in the form set for in Schedule II.

5. *Powers of entry, examination, search and seizure etc.*—(1) Any police officer not below the rank of Sub-Inspector or any officer of the Government of Maharashtra in the Food and Civil Supplies Department or the Revenue Department not below the rank of Rationing Inspector in the Bombay Rationing area and elsewhere, not below the rank of the Supply Inspector may, within their respective jurisdiction, with a view to securing compliance of this order or satisfying himfelf that this order has been complied with—

(a) Stop and search any person or any boat, vessel, motor or other vehicle or any receptacle used or intended to be used for the transport of cattle fooder :

(b) enter, search or examine any place.

(c) seize—

(*i*) any stocks of cattle fooder in respect of which he has reason to believe that a contravention of any provisions of this order has been or is being, or is about to be, committed ;

(*ii*) any packages, converings or receptacles in which such stock of cattle fooder is found ;

(*iii*) the animals, vehicles, vessels or other conveyances used in carrying such cattle fodder if he has reason to believe that such animals, vehicles. vessels or other coveyances are liable to be forfeited under the provisions of the Act and thereafter ;

(*iv*) take or authorise the taking of all measures, necessary for securing the production of the packages, coverings receptacles, animals, vehicles, vessels or other conveyance so seized before the Controller of Rationing in the Bombay Rationing Area, and elsewhere, before the Collector of the diitrict or the State Government authorised to hear appeal under section 6-C of the Act, if required to do so, and for their safe custody pending such production ;

(d) examine or seize any books of accounts or documents which in his opinion would be useful for, or relevant to, any proceedings in respect of any contravention of this order and allow the persons from whose custody such books of accounts or documents are seized to make copies thereof or to take extract therefrom in his presence.

(2) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

6. *Appeal.*—(1) Any person aggrieved by an order made by any officer under this order may,—

(a) If the order is made by any officer lower in rank than that of the Collector of the district appeal to the Collector of the district :

(b) If the order is made by the Collector of the district, appeal to the Commissioner.

(2) No such appeal may be entertained if not preferred within thirty days from the date of receipt of the order appealed against by the appellant.

(3) No order shall be passed under this clause, which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

7. *Power to call for and examine the record of praceedings and revise orders.*—The State Government may, at any time, during the pendency of any inquiry or proceedings or within ninety days from the date of any order passed by any officer under this order, on an application or *suo-motu* stay any pending inquiry or proceedings or the enforcement of such order if considered necessary and may call for and examine the records of any such inquiry or proceedings and pass such order thereon as it thinks fit :

Provided that the State Government shall not pass any orner under this clause which adversely affects any person, unless such person has been given a reasonable opportunity of being heard.

8. *Exemption.*—Nothing in this order shall apply—

(*i*) to a corporation or company owned or controlled by the Central Government or a State Government, or

(*ii*) to any Central level or State level Co-Operative Society engaged in the production, procurement, sale, purchase or distribution of cattle fodder, or (*iii*) to the transport of cattle fooder brought from other Districts or State to its place or delivery in the district.

9. *Repeal ond Savings.*—The Maharahtra Cattle Fooder (Transport Control) Order, 1982, is hereby repealed:

Provided that such repeal shall not affect—

(a) the previous operation of the said order or any thing duly done or suffered thereunder ; or

(b) any right, priviledge, obligation or liability acquired, accrued or incurred under the said order; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said order ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, priviledge, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment, may be imposed as if the said order had not been repealed.

SCHEDULE I

[*See* clause 2(c)]

Cattle fodder of any category including—

1. Hay.
2. Bhusa.
3. Gowar.
3. Karab or Karabi or Kadba of Pendha.
5, Grass.

SCHEDULE II

(*See* clause 4)

Form of Authorisation

Shri/Smt./Kumari.......... is hereby authorised to transport......... moulds sheaves/bags/quintals/kilograms of.............by road/rail/water from......—.......village, taluka...............district............ of the State of Maharashtra, within..................days from the date of issue of this authorisation.

Signature and designation of the
Officer granting the authorisation.

Published in the *Gujarat Govt. Gazette*, Part IV-B, No 24, dated June 13, 1985

SOCIAL WELFARE DEPARTMENT

No. GH-L-13-FLR-1083-CM-2624 (ii)-M.—Sachivalaya, Gandhinagar, 22nd April, 1985.) Whereas the Government of Gujarat considers that rules hereinafter appearing should be brought into force at once;

And whereas the Government considers that the rules should be made without previous publication;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 143 of the Bombay Prohibition Act, 1949 (Bom. XXV of 1949), read with the proviso to sub-section (3) of the said section 143 and all other powers enabling it in this behalf, the Government of Gujarat hereby makes the following rules further to amend the Bumbay Foreign Liquor Rules, 1953, as follows, namely :—

1. These rule may be called **the Bombay Foreign Liquor (Gujarat**

Amendment) Rules, 1985.

2. In the Bombay Foreign Liquor Rules, 1953 (hereinafter referred to as "the said Rules"), in rule 64,—

(i) in sub-rule (4), for the words and figures "on payment of a fee of Rs. 20" the words and figures "on payment of fee of Rs. 50" shall be substituted; and

(ii) in sub-rule (5), for the words "shall not exceed six months in any case" the words "shall not exceed twelve months in any case" shall be substituted.

3. In the said rules, after Rules 64A, the following shall be inserted, namely :—

"64-B(1) *Health Permit to certain persons without medical examination*—. (1) Not withstanding anything contained in rule 64, a health permit may be granted to an applicant without under going any medical examination by the Area Medical Board or tne State Medical Board for a quantity not exceeding two units of foreign liquor if the applicant—

(a) was residing in the State other than the State of Gujarat where the consumption of alcoholic liquor is not prohibited by Law or where the consumption of such liquor is prophibited by Law, he was consuming such liquor under a permit or other authorisation and he resided in such other State for a period not less than ten years;

(b) is the resident of India but had resided in any foreign country for a period not less than five years where the consumption of alcoholic liquor is not prohibited by law;

(c) is a retired member of the Armed Forces.

(2) Such applicant shall produce a medical Certificate issued by any member of the Area Medical Board or his family doctor to the effect that the applicant required foreign liquor for the preservation and maintenance of his health."

FINANCE DEPARTMENT

No. (GHN 44) GSR 1085/(43) : TH.—(*Sachivalaya, Gandhinagar, 1st June, 1985*)—Whereas Certain draft rules further to amend the Gujarat Sales Tax Rules, 1970 were published as required by sub-Section (4) of section 86 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970), at pages 66.1 to 66-2 of the Government of Gujarat Gazette, Extra-Ordinary, Part IV—B dated the 1st April, 1985 under the Government Notification, Finance Department No. (GHN-23) GSR-1085/(42) TH, dated the 26th March, 1985 inviting objections or suggestions till the 30th April, 1985 from all persons likely to be affected thereby ;

And whereas no objections and suggestions were received from the public.

Now, therefore, in exercise of the powers conferred by section 86 of the Gujarat Sales Tax Act, 1969 (Guj. 1 of 1970), the Government of Gujarat hereby makes the following rules further to amend the Gujarat Sales Tax Rules, 1970, namely :—

1. These rules may be called the **Gujarat Sales Tax (Amendment) Rules, 1985**.

2. In the Gujarat Sales Tax Rules, 1970, in rule 25, in sub-rule (1) in clauses (a), (c) and (d), for the words letters and figures "exceeds Rs. 3

lakhs" the words, letters, and figures "exceeded Rs. 5 lakhs, shall be substituted.

Published in the *Maharashtra Govt. Gazette*, Part IV-Ba, dated April, 18, 1985.

MEDICAL EDUCATION AND DRUGS DEPARTMENT

No. Act. 1032/1702/MED-8.—(*Mantralaya, Bombay 400 032, dated the 21st March, 1985*)—In exercise of the powers conferred by clause (b) and (c) of sub-section (2) of section 30 of the Maharashtra Medical Practitioners' Act, 1961 (Mah. XXVIII of 1961). and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Board and Faculty of Ayurvedic and Unani System of Medicine Rules, 1961, the same having been previously published as required by sub-section (1) of the said section 30, namely :—

1. These rules may be called **the Maharashtra Board and Faculty of Ayurvedic and Unani Systems of Medicine (Amendment) Rules, 1985.**

2. In rule 1 of the Maharashtra Board and Faculty of Ayurvedic and Unani Systems of Medicine Rules, 1961 (hereinafter referred to as "the principal rules"), for the words and figures "These rules may be called the Maharashtra Board and Faculty of Ayurvedic and Unani Systems of Medicine Rules, 1961", the words and figures "These rules may be called the Maharashtra Council of Indian Medicine Rules, 1961" shall be substituted.

3. In rule 2 of the principal rules in clause (b) for the words "Board or the Faculty", the word "Council" shall be substituted.

4. In the principal rules after rule 2, for sub-heading "Part-II—Meetings of the Board and Faculty", the words "Meetings of the Council" shall be substituted.

5. In rule 3 of the principal rules,—

(a) for the words "Board and the Faculty", the word "Council" shall be substituted ;

(b) the words, "or, as the case may be, the Chairman" shall be deleted.

6. In rule 4 of the principal rules,—

(a) the words "or the Chairman" shall be deleted ;

(b) for the words "Board or the Faculty", the word "Council" shall be substituted ;

(c) for the words "Board or the Faculty, as the case may be,"; the word "Council" shall be substituted.

7. In rule 5 of the principal rules,—

(a) in sub-rule (1), for the words "Board and the Faculty", the word "Council" shall be substituted ;

(b) in sub-rule (2), in clause (iii), the words "or, as the case may be, the Chairman" shall be deleted ;

(c) in sub-rule (3), the words "or, as the case may be, the Chairman' shall be deleted.

(d) in sub-rule (4), for the words "Board or, as the case may be, the Faculty" the word "Council" shall be substituted.

8 In rule 6 of the principal rules,—

(a) in sub-rule (1)—

(i) for the words "Board or the Faculty", the word "Council" shall be substituted ;

(ii) the words "or, as the case may be, the Chairman'' shall be deleted ;

(b) in sub-rule (2), in clauses (b) and (c), for the words "Boards or the Faculty, as the case may be", the word "Council" shall be substituted ;

(c) in sub-rule (3) and the proviso thereunder, the words "or the Chairman" shall be deleted ;

(d) in sub-rule (4), the words "or the Chairman" shall be deleted.

9. In rule 7 of the principal rules,—

(a) in sub-rule (1), the words "or, as the case may be, the Chairman' shall be deleted ;

(b) in sub-rule (2), the words "or the Chairman" wherever they occur, shall be deleted ;

10 In rule 9 of the principal rules, in sub-rule (1), for the words "Board or the Faculty" occuring at three places, the word "Council" shall be substituted.

11. In rule 13 of the principal rules, for the words, "Board, or the Faculty, as the case may be", the word "Council" shall be substituted.

12. In rule 14 of the principal rules, in sub-rule (2), for the words "Board or the Faculty, as the case may be", the word "Council shall be substituted.

13. In rule 15 of the principal rules, in sub-rule (2), *for* the words "Board or the Faculty", the word "Council" shall be *substituted.*

14. In rule 16 of the principal rules, in sub-rule (1) *for* the words "Board or the Faculty", the word "Council" shall be *substituted.*

15. In rule 17 of the principal rules, *for* the words "Board or the Faculty", the word "Council" shall be *substituted.*

16. In rule 18 of the principal rules, in sub-rule (1),—

(a) *for* the words "Board or the Faculty", the word "Council shall be *substituted.*

(b) *for* the words "board or, as the case may be, the Faculty", the word "Council" shall be *substituted.*

17. In rule 20 of the principal rules,—

(a) in sub-rule (3), the words "or the Chairman " shall be *deleted;*

(b) in sub-rule (4), the words "or, as the case may be, the Chairman" shall be *deleted.*

18. In rule 22 of the principal rules,—

(a) the words "or the Chairman", shall be *deleted;*

(b) *for* the words "Board or, as the case may be, the Faculty", the word "Council" shall be *substituted.*

19. In rule 23 of principal rules, in sub-rule (1) *for* the words "Board the Faculty". the word "Council", shall be *substituted.*

20. In rule 24 of the principal rules,—

(a) *for* the words "Board and the Faculty", the word "Council" shall be *substituted;*

(b) *for* the words "Board and Faculty"; as the case may be, the word "Council" shall be *substituted.*

21. In rule 25 of the principal rules, *for* the words "Board or, as the case may be, the Faculty", the word "Council" shall be *substituted.*

22. In rule 26 of the principal rules, *for* the words "Board and the Faculty", the word "Council" shall be *substituted.*

23. In rule 27 of the principal rules, *for* the portion begining with the words "Board or the Faculty" and ending with words, brackets and figures "sub-section (7) of that section". the words "Council" shall be *substituted.*

24. *For* rule 28 of the principal rules, the following shall be *substituted*, namely:—

"28. *Travelling allowance for attending meetings.*—The travelling expenses of the members of the Council for attending the meetings of the Council, shall be paid, as follows:—

(a) official who are Government servants may draw the travelling and halting allowances which they may be entitled to claim for travelling on officiel duties according to their grades under the Bombay Civil Services Rules.

(b) A non-official member shall draw travelling allowance according to rule 1 (1) (b) in section 1 of the Appendix XLII-A to the Bombay Civil Services Rules, Volume II".

MEDICAL EDUCATION AND DRUGS DEPARTMENT

No. ACT. 2282/1699/MED/8.—(*Mantralaya, Bombay 400 032, dated 21st March 1985*)—In exercise of the powers conferred by clause (a) of sub-sectian (2) of section 30, read with sub-section (1) of section 4 of the Maharashtra Medical Practitioners' Act, 1961 (Mah. XXVIII of 1961),and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashta Board and Faculty of Ayurvedic and Unani Systems of Medicine (Election) Rules, 1967, the same having been previously published as required by sub-section (1) of the said Section 30, namely:—

1. These rules may be called **the Maharashtra Board and Faculty of Ayurvedic and Unani Systems of Medicine (Election) (Amendment) Rules, 1984.**

2. In the preamble of the Maharashtra Board and Faculty of Ayurvedic and Unani Systems of Medicine (Election) Rules, 1967 (hereinafter referred to as "the principal rules") for the words, brackets and figure "sub-section (5) of section 3 and " the words brackets and figure "sub-section (1) of " shall be substituted-

3. In rule 1 of the principal rules, for the words "Board and Faculty of Ayurvedic and Unani Systems of Medicine", the words "Council of Indian Medicine" shall be substituted.

4. In rule 2 of the principal rules,—

(i) for clause (b), the following shall be substituted, namely :—

'(b) "election to the Council" means an election to the Council under clauses (c) and (d) of sub-section (1) of section 3A ; ' ;

(ii) clause (c) shall be deleted.

5. In Part II of the principal rules, in the heading, for the word "Board" the word "Council" shall be substituted.

6. In rule 3 of the principal rules,—

(i) in sub-title, for the word "Board" the word "Council" shall be substituted ;

(ii) in sub-rule (1),—

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SERVICE RULES

by

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(AUTHOR OF CONVEYENCING)

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Published in the *Gazette of India* (*Ext.*) Part II, Section 3(ii), No. 388, dated 12th August, 1985.

MINISTRY OF FINANCE

S. O 602 (E).—(*New Delhi, the 12th August, 1985*).—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called the **Income-tax (Sixth Amendment) Rules, 1985.**

(2) They shall be deemed to have come into force on the 1st day of April, 1985.

2. In the Income-tax Rules, 1962,—

(a) in rule 6G,—

(i) in the marginal heading, for the word published", the word "furnished" shall be substituted ;

(ii) in sub-rule (1), in clause (a), the words "by an accountant", shall be omitted ;

(b) in Appendix II, in Form No. 3CA,—

(i) in the heading, for the words "any law by an accountant", the words "any other law" shall be substituted ;

(ii) in paragraph 1, the words "chartered accountants/auditors of companies" shall be omitted ;

(iii) for the words "Signed Accountant", occuring at the end the word "signed shall be substituted ;

(iv) in Note 3,—

(1) in item (ii), for the words "that State", the words "that State ; or" shall be substituted ;

(2) after item (ii), the following item shall be inserted, namely :—

"(iii) any person who is, by virtue of any other law, entitled to audit the accounts of the assessee for the relevant previous year."

Published in the *Gazette of India, Extraordinary*, Part II, Section 3 (i), No. 366 dated August 19, 1985.

MINISTRY OF LAW AND JUSTICE

G.S.R. 664 (E).—(*New Delhi, the 1th August, 1985*).—In exercisse of the powers conferred by section 9 of the Dowry Prohibition Act, 1961 (28 of 1961), the Central Government hereby make the following rules, namely: —

1. *Short title and commencement.*—(1) These rules may be called **the Dowry Prohibition (Maintenance of lists of Presents to the Bride and Bridegroom) Rules, 1985.**

(2) They shall come into force on the 2nd day of October 1985 being the date appoined for the coming into force of the Dowry Prohibition (Amendment) Act, 1984 (63 of 1984).

2. *Rules in accordance with which lists of presents are maintained* — (1) The list of presents which are given at the time of the marriage to the bride

shall be maintained by the bride.

(2) The list of presents which are given at the time of the marriage to to the bridegroom shall be maintained by the bridegroom.

(3) Every list of presents referred to in sub-rule (1) or sub-rule (2),—

(a) shall be prepared at the time of the marriage or as soon as possible after the marriage.

(b) shall be in writing;

(c) shall contain,—

(i) a brief description of each present;

(ii) the approximate value of the present;

(iii) the name of the person who has given the present; and

(iv) where the person giving the present is related to the bride or bridegroom, a description of such relationship;

(d) shall be signed by both the bride and the bridegroom.

Explanation 1.—Where the bride is unable to sign, she may affix her thumb- impression in lieu of her signature after having the list read out to her and obtaining the signature, on the list, of the person who has so read out the particulars contained in the list.

Explanation 2.—Where the bridegroom is unable to sign, he may affix his thumb-impression in lieu of his signature after having the list read out to him and obtaining the signature on the list, of the person who has so read out the particulars contained in the list.

(4) The bride or the bridegroom may, if she or he so desires, obtain on either or both of the lists referred to in sub-rule (1) or sub-rule (2) the signature or signatures of any relations of the bride or the bridegroom or of any other person or persons present at the time of the marriage.

Published in the *Gazette of India* (*Extraordinary*), Part II, Section 3(i), No. 320, dated July 22, 1985.

MINISTRY OF FINANCE

G.S.R. 598(E)—(*New Delhi, the 22nd July 1985*)—In exercise of the powers conferred by section 3 of the Public Provident Fund Act, 1968 (23 of 1968), the Central Government hereby makes the following scheme further to amend the Public Provident Fund Scheme, 1968, namely :—

1. (1) This scheme may be called **the Public Provident Fund (Amendment) Scheme, 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2 In the Public Provident Fund Scheme, 1968 (hereinafter referred to as the said Scheme), paragraph 3 shall be renumbered as sub-paragraph (1) therefore, and after sub-paragraph as so renumbered, the followieg sub-paragraph shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub paragraph (1), an individual who is a member of a Hindu Undivided Family may also subscribe to the Fund on behalf of and out of the income of the Hindu Undivided Family, any amount not less than Rs. 100 and not more than Rs. 40.000 in a year."

3. In sub-paragrph (1) of paragraph 4 of the said Scheme, after the words "either in his own behalf or on behalf of a minor of a Hindu Undivided Family of which he is a member" shall be inserted.

4. In sub-paragraph (1) of paragraph 9 of the said Scheme,—

(a) for the words "sixth year", the words "fourth year" shall be substituted ;

(b) for the proviso, the following provisos shall be substituted, namely : —

"Provided that the total number of withdrawals permissible during the period of fifteen years (reckoned from the end of the year in which the account was opened) shall not exceed four ;

Provided further that not more than one withdrawal shall be permissible during any one year."

5. In paragraph 11 of said Scheme,—

(a) in sub-paragraph (1) and proviso to sub-paragraph (2), for the words "twenty-four", wherever they occur, the words "thirty-six shall be substituted ;

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

"(3) The interest on the amount of loan outstanding under the proviso to sub-paragraph (2) and any portion of interest payable, but not paid, on any loan, the principle amount of which has already been repaid within the prescribed period of thirty-six months, may, on becoming due, be debited to the subscriber's account."

6 In Form A appended to said Scheme,—

(a) the entry "I hereby declare that I am not maintaining any other Public Provident Fund Account" shall be renumbered as entry (i) and in entry (i) as so renumbered, before the brackets and figure "(i)", the abbreviation "*" shall be inserted ;

(b) after entry (i) as so renumbered, the following entry shall be inserted, namely:—

"*(ii) I hereby declare that I am not maintaining any other Public Provident Fund Account except an account on behalf of a minor or an account for getting the benefit for Hindu Undivided Family under section 80C(2)(b)(i)(2) of the Income-tax Act, 1961 (43 of 1961)";

(c) below the entry "Additional Specimen", the following notes shall be inserted, namely:—

"Note 1 : Under the Public Provident Fund Scheme normally an individual can have an account on his own behalf or on behalf of a minor of whom he is the guardian. However, an individual who is a member of a Hindu Undivided Family can open another account for contributions to the Fund on behalf of and out of the income of the Hindu Undivided Family. In the latter case, the letters "H.U.F." should be added after the name of the subscriber.

Note 2 : *Delete whichever is not applicable."

7. In Form E appended to the said Scheme, after the column with the heading "Date of birth of nominee in case of minor", a new column with the heading "Proportionate amount for each nominee" shall be inserted

8. In Form F appended to the said Scheme, after the column with the heading "Date of birth of the nominee in case he is a minor", a new column with the heading "Proportionate amount for each nominee" shall

be inserted.

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(ii), No, 429, dated September 6, 1985,

MINISTRY OF COMMERCE

S. O. 655(E)/No. E(C)O, 1977/AM(312).—(*New Delhi, the 6th September, 1985*).—In exercise of the powers conferred by section 3 of the Imports and Exports (Control) Act, 1947 (18 of 1947), the Central Government hereby makes the following order further to amend the Exports (Control) Order, 1977, namely:—

1. This Order may be called **the Exports (Control) Seventeenth Amendment Order, 1985.**

2. In the Exports (Control) Order, 1977 :—

(i) In Schedule I, part 'B' after serial number 73 (ii) and the entry relating thereto the following shall be inserted, namely :—

"73(iii)—Hand knotted/woven/woollen carpets of Persian/Mubarik design above 32000 knots per square metre",

(ii) In Schedule III, in OGL-3.-(a) for the existing condition number (ii) appearing in column 4 against serial number 64(i), the following shall be substituted, namely :—

"Export shall be allowed on outright sale basis. Shipments shall not be permitted on Documents against Acceptance (D/A) basis unless the same are backed by Bank Guarantee" ;

(b) for the existing conditions numbers 1(iii) and 2(ii) appearing in column 4 against serial number 64(ii) the following shall be substituted at both the place, namely :—

"Export shall be allowed on outright sale basis. Shipments shall not be permitted on Documents against Acceptance (D/A) basis unless the same are backed by Bank Guarantee",

(c) after serial number 64(ii) the following item shall be inserted, namely :—

1	2	3	4
"64(iii)	Hand knotted woven/woollen carpets of Persian/ Mubarik designs above 32000 knots per square metre.	B.73 (iii)	Export shall be allowed to all destinations except countries having a common land frontier with India subject to the following conditions:— Export shall be allwed on outright sale basis. Shipment shall not be permitted on Documents against

1	2	3	4
			Acceptance (D/A) basis unless the same are backed by Bank Gurantee."

Published in the *Gazette of India, Extraordinry*, Part II, Section 3(ii), No. 342, dated 17th July, 1985.

MINISTRY OF FINANCE

S.O. 529(E).—(*New Dehli, the 17th July, 1985*)—In exercise of the powers conferred by section 295, read with section 80U, of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called **the Income-tax (Fourth Amendment) Rules, 1985.**

(2) They shall be deemed to have come into force on the 1st day of April, 1985.

2. In the Income-tax Rules, 1962, in the Part II, after rules 11C, the following rule shall be inserted, namely :—

"Permanent Physical Disabilities for the Purposes of Deduction under Section 80U

"11D. A permanent physical disability shall be regarded as a permanent physical disability for the purposes of clause (ii) of sub-section (1) of section 80U if it falls in any one of the categories specified below, namely :—

(a) permanent physical disability of more than 50 per cent in one limb ;

or

(b) permanent physical disabilty of more than 60 per cent in two or more limbs ; or

(c) permanent deafness with hearing impairment of 71 decibels and above ; or

(d) permanent and total loss of voice."

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i), No 366, dated 30th July, 1985.

MINISTRY OF FINANCE

New Delhi, the 30th July, 1985

S. O. 559 (E).—.—In exercise of the powers conferred by sub-section (4) of section 9 of **the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970** (5 of 1970), the Central Goverenment, after consultation with the Reserve Bank of India, hereby makes the following scheme further to amend the Nationalised Banks (Management and Miscellaneous Provisions Scheme* 1970, namely :—

1. (1) This scheme may be called **the Nationalised Banks (Management and Miscellaneous Provisions) (Second Amendment) Scheme, 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970,—

(a) clause 9 shall be renumbered as sub-clause (1) thereof and after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely :—

"(2) Subject to the provisions of sub-clause (1), such director shall hold office for such term, not exceeding three years, as the Central Government may specify at the time of his appointment ;

(b) for sub-clause (5) of clause 12, the following sub-clause shall be substituted, namely :—

"5 The quorum for a meeting of the Board shall be one-third of the number of directors holding office as such directors of the Board on the day of the meeting, subject to a minimum of three directors."

S. O. 560(E).—In exercise of the powers conferred by sub-section (4) of section 9 of **the Banking Companies (Acquisition aud Transfer of Undertakings) Act, 1980** (40 of 1980), the Central Government, after consultation with the Reserve Bank of India, hereby makes the following scheme further to amend the Nationalised Banks (Management and Miscellanoeus Provisions) Scheme, 1980 namely :—

1. (1) This scheme may be called **the Nationalised Banks (Management and Miscellaneous Provisions) (Second Amendment) Scheme 1985.**

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980,—

(a) clause 9 shall be renumbered as sub-clause (1) thereof and after sub-clause (1) as so renumbered the following sub-clause shall be inserted, namely :—

"(2) Subject to the provisions of sub-clause (1), such director shall hold office for such term, not exceeding three years, as the Central Government may specify at the time of his appointment."

(b) for sub-clause (5) of clause 12, the following sub-clause shall be substituted, namely :—

"(5) The quorum for a meeting of the Board shall be one-third of the number of directors holding office as such directors of the Board on the day of the meeting subject to a minimum of three directors."

Published in the *Gazette of India*, (*Ext*), Part II, Section 3(i),
No. 370, dated 31st July, 1985.

MINISTRY OF FINANCE

S. O. 568(E).—(*New Delhi, the 31st July, 1985*).—In exercise of the powers conferred by section 295 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely :—

1. (1) These rules may be called **the Income-tax (Fifth Amendment) Rules, 1985.**

(2) They shall come into force on the 1st day of August, 1985.

2. In the Income-tax Rules, 1962,—

(a) in rule 67A, in the Explanation, after the words "step-children", the words, "deceased son's widow, deceased son's legitimate children, deceased son's step-children" shall be inserted ;

(b) in rule 68, in sub-rule (1),—

(i) in clause (aa)

(1) in sub-clause (i), for the words "High school", the words "matriculation" shall be substituted ;

(2) in sub-clause (ii), for the words "High school stage, provided that the course of study is for not less than three years", the words "matriculation stage" shall be substituted ;

(ii) in clause (d),—

(1) after the words "purchasing a site", the words "or a house" shall be inserted ;

(2) in the existing proviso, after the words "such house or site", the words "or such house and site" shall be inserted ;

(3) after the proviso as so amended, the following proviso shall be inserted, namely :—

"Provided further that in the case of an employee whose pay does not exceed rupees one thousand and six hundred per month, such house or site or such house and site shall not be deemed to be an encumbered property merely because such house or site or such house and site is—

(i) mortagaged, solely for having obtained funds for the purchase of the said house or site or the said house and site or for the building of such house to any of the following agencies, namely, (a) the Central Government ; (b) a State Government ; (c) a co-operative society, being a society registered or deemed to be registered under the Co-operative Societies Act, 1912 or under any other law for the time being in force in any State relating to co-operative societies ; (d) an institution ; (e) a trust ; (f) a local body ; or (g) a housing finance corporation ; or

(ii) held in the name of any of the aforesaid agencies and the employee is precluded from transferring or otherwise disposing of that house or site or that house and site without the prior approval of such agency.";

(iii) after clause (g), the following clause shall be inserted, namely :—

(h) in the case of an employee whose pay does not exceed rupees one thousand and six hundred per month,—

(i) to meet his household expenses if a factory or other establishment, wherein he is working, is locked up or closed down for more than fifteen days for reasons other than a strike rendering him unemployed without any compensation or if he is not in receipt of wages for a cantinuous period of two months or more ;

(ii) to meet his household expenses if the factory or other establishment, wherein he is working, suffers cut in supply of electricity resulting in a loss of one-fourth or more of the total wages of the employee ;

(iii) to meet the cost of purchasing an equipment required by a physically handicapped employee which will minimise his hardship on account of the handicap.

Explanation.—For the purposes of this clause, "pay" shall have the meaning assigned to it in the Explanation to sub-rules (2A) and (2B) of rule 69. ;

(i) in rule 69,—

(i) for sub-rule (1), the following sub-rules shall be substituted, namely :—

"(1) The withdrawal in connection with expenses on marriages as specified in clause (c) of sub-rule (1) of rule 68, by an employee whose pay exceeds rupees one thousand and six hundred per month, shall not exceed six months' pay or the total of the accumulation of exempted contributions and exempted interest laying to the credit of the employee, whichever is less.

(1A) The withdrawal for the purposes specified in clause (aa) and clause (c) of sub-rule (1) of rule 68, by an employee, whose pay does not exceed rupees one thousand and six hundred per months, shall be subject to the following conditions, namely :—

(a) the amount of withdrawal shall not exceed one-half of the employee's contributions to the fund with interest thereon ;

(b) the employee shall have completed seven years of service ;

(c) the amount of the employee's contributions to the fund with interest thereon is not less than rupees one thousand," ;

(ii) in sub-rule (2A), for clause (i), the following clause shall be substituted, namely :—

"(i) the amount of withdrawal shall not exceed—

(a) the employee's basic wages and dearness allowance for twenty-four months ; or

(b) the actual cost of building the house, or of purchasing the house or the site or the house and the site ; or

(c) the employee's contribution to the fund together with the specified percentage of the employer's contributions to that fund with interest theron ;

Explanation.—For the purposes of sub-clause (c), "specified percentage" means—

(1) 75 per cent of the employer's contribution forming part of the accumulation as on the date of the authorisation of payment, if the period of membership of the employee in the fund is five years or more, but less than ten years ;

(2) 85 per cent of such contribution, if the period of membership of the employee in the fund is 10 years or more, but less than 15 years ; and

(3) 100 per cent of such contribution, if the period of membsrship of the employee in the fund is 15 years or more ;" ;

(iii) in sub-rule (2B), for the words "up to six months' basic wages", the words "up to twelve months' basis wages" shall be substituted ;

(iv) in sub-rule (4), after the words and figures "rule 68" the words brackets, figure and letter, "except as provided in sub-rule (1A)" shall be inserted ;

(d) in rule 70,—

(i) in sub-rule (1), after the words, brackets and figure "sub-rule (2)", the words, brackets and figure "and sub-rule (3)" shall be inserted ;

(ii) after sub-rule (2), the following sub-rule shall be inserted, namely :—

"(3) A withdrawal, referred to in clause (a) of sub-rule (2), of an amount equal to the difference between the amount of withdrawal admissible under sub-rule (2A) of rule 69 as on the date of application and the amount actually withdrawn by the employee for the purpose specified in clause (d) of sub-rule (1) of rule 68 any time during six years preceding the 3rd day of October, 1981, may be permitted to the employee, whose pay does not exceed rupees one thousand and six hundred per month, subject to the following conditions, namely :—

(i) the employee had availed the first withdrawal for purchase of a site and now proposes to construct a house on the site so purchased ; or

(ii) the employee had availed the first withdrawal for making initial payment towards allotment or purchase of a house from any of the agencies referred to in the second proviso to clause (d) of sub-rule (1) of rule 68 and now proposes to withdraw the amount for completing the transaction and for acquiring ownership of the house so purchased ; or

(iii) the employee had availed the first withdrawal for construction of a house but the said construction could not be completed due to shortage of funds.".

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i), No. 287, dated 4th July, 1985.

MINISTRY OF HEALTH AND FAMILY WELFARE

G.S.R. 550(E).—(*New Delhi, the 4th July, 1985*).—Whereas certain draft rules further to amend the Prevention of Food Adulteration Rules, 1955, were published as required by sub-section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G S.R. 699, dated the 5th August, 1982, and subsequently republished with the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) No. G.S.R. 488(E), dated the 2nd July, 1984 in the Gazette of India, Extraordinary, Part II, section 3 Sub-section (i) dated the 2nd July 1984, inviting objections and suggettions from all persons likely to be affected thereby before the expiry of ninety days from the date on which copies of the Official Gazette in which the last-mentioned was published were made available to the public ;

And whereas the copies of the said Gazette were made available to the public on the 2nd July, 1984 ;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Central Government ;

Now, therefore, in exercise of the powers confered by sub-section (1) of section 23 of the said Act, the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, namely :—

RULES

1. (1) These rules may be called the **Prevention of Food Adulteration (Fifth Amendment) Rules, 1985**.

(2) They shall come into force on the date of their publication in the Official Gazette except sub-rule (a) of rule 2 and rule 3 which shall come into force immediately after one year from the date of such publication.

2. In the Prevention of Food Adulteration Rules, 1955, (hereinafter referred to as the said rules), in the Table below rule 22,—

(a) against item 1, for the figures and letters "220 ml", the figures and letter "250 ml", shall be substituted ;

(b) in item 32, for the words "Dried Milk", the words "Milk powder, skimmed milk powder, partly skimmed milk powder, malted milk food and such other powders containing milk as major ingredient" shall be substituted.

3. In rule 49 of the said rules, after sub-rule (15), the following sub-rule shall be inserted, namely :—

"(16) Milk powder and condensed milk shall not be sold except under Indian Standard Instituton Certification mark".

4. In Appendix 'B' to the said rules,—

(i) for item A 11.01.01, the following item shall be substituted, namely ;—

"A.11.01.01—Milk is the normal mammary secretion derived from complete milking of healthy milch animal without either addition thereto or extraction therefrom. It shall be free from colostrum. Milk of different classes and of different designations shall conform to the standards laid down in the Table below item A.11.01.11" ;

(ii) in item A.11.01.02,—

(a) for the words "milk and milk products", "milk product" and "milk or milk product", wherever they occur, the words "milk of different classes" shall be substituted.

(b) the "Explanation" occurring at the end shall be omitted ;

(iii) in item A.11.01.06,—

(a) for the words "standardised to a fat percentage", the words "standardised to fat and solids-not-fat percentage" shall be substituted ;

(b) for the words "abstraction and/or addition of milk fat, or by the addition of skimmed milk or by addition of recombined or reconstituted skimmed milk", the words "adjustment of milk solids shall be substituted;

(iv) in item A.11.01.08, for the words "with nonfat milk solids or milk powder, and water, or by partial abstraction/addition or fat from/to milk", the words "that has been standardised to fat and solids-not-fat percentage given in the Table below item A.11.01.11 by adjustment of milk solids" shall be substituted ;

(v) in item A.11.01.09, for the words "with non-fat-milk solids and water, or by partial abstraction/addition to fat from/to milk", the words "that has been standardised to fat and solids not-fat percentage given in the Table below item A.11-01.11, by adjustment of milk solids" shall be substituted;

(vi) in items A.11.02.04 and A.11.02.05 the following, shall, respectively, the added at the end, namely :—

"Milk solids may also be used in preparation of this product" ;

(vii) in item A.11.02.07.01, the following shall be added at the end, namely :—

"either singly or in combination. It may contain Calcium Chloride (anhydrous) not exceeding 0.02 per cent by weight" ;

(viii) in item A.11.04.08, the following shall be added at the end, namely :—

"In case of ice-cream, where the chocolate or like covering portion forms a separate layer, only the icecream portion shall conform to the standards of icecream" ;

(ix) in item A.11.02.16, for the words and figures "fat content of the product shall be between 1.6 and 24.0 per cent", the words and figures "fat content of the product shall be more than 1.5 and less than 26.0 per cent" shall be substituted ;

(x) in item A.11.02.17,—

(a) after the words "sheep milk" the words "or milk solids" shall be inserted ;

(b) the following shall be added at the end, namely

"It may contain citric acid not more than 0.1 per cent by weight".

Published in the *Gazette of India (Ext.)*, Part II, Section 3(ii), No. 324, dated July 4, 1985.

MINISTRY OF STEEL, MINES AND COAL

S. O. 507(E)/ESS/Iron and Steel —(*New Delhi, the 1st July, 1985*)—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955, (10 of 1955), The Central Government hereby makes the following order further to amend the Iron and Steel (Control) Order, 1956, namely :—

1. (1) This order may be called **the Iron and Steel (Control) (Amendment) Order, 1985** ;

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Iron and Steel (Control) Order, 1956,—

(1) in clause 2, for sub-clause (j) the following sub-clause shall be substituted, namely :—

"(j) scrap' means fresh unused defective iron and steel materials and rerollables scrap and melting scrap of all categories. For purposes of this order rerollable scrap shall mean—

"(a) all seconds/second grade/defectives/cuttings of semis/bars/rails/structurals ;

(b) plate cuttings ; and

(c) used rails/structurals with length 1800 mm maximum, width 600 mm maximums and Thickness 5 mm and above.

(d) scrap ingot mould." ;

(2) in clause 28B, for sub-clause (1) (c), the following sub-clause shall be substituted, namely :—

"(1) (c) if he is found to have submitted any false documents or to have made any misrepresentation in acquiring or seeking to acquire any such material" :

(3) after clause 28B, the following new clause shall be inserted, namely—

"28C. No order of suspension, revocation or debarring of a person from receiving iron or steel or scrap made by the Controller in terms of clauses 11A, 23A, 28A, or 28B shall be called in question in any proceedings before any appellate authority merely on the ground that in the course of discharge of duties as Controller, the Controller had dealt with the matter earlier or that he had issued or directed the issue of the show cause notice, as the case may be to such person" ;

(4) for the FIRST SCHEDULE, the following shall be substituted, namely :—

FIRST SCHEDULE

(See Clause 3)

Iron and Steel to which Part II applies

Iron and Steel and products thereof, the following, namely—

(1) Pig iron and sponge iron ;

(2) Ingots, blooms, billets, slabs sheet bars (including tinplate bars) and hoe bars including shell steel ingots, blooms, billets and bars ;

(3) Bars (including flats, squares and rounds) and rods including wire rods) of iron and steel whether in straight lengths or in coils ;

(4) Railway track construction material and railway material including the following,—

(i) rails, sleepers, fish plates, crossing sleepers and sleeper bars ;

(ii tyres, wheels and axles ;

(5) Angles, shapes and sections of iron or steel ;

(6) Hoops, strips, box strapping and skelp of iron or steel whether galvanised or not ;

(7) (i) Coils
(ii) Sheets
(iii) Plates, and
(iv) Universal plates.
} Hot or cold rolled whether coated or not and both in carbon steel is well as in special steel or special specifications ;

(8) Galvanised/coated sheets both plain as well as corrugated ;

(9) Tinplate both prime and waste, terne plates including tin free steel sheets ;

(10) Heavy structurals (including heavy sections of joints, channels and angles) ;

(11) Medium structurals (including medium sections of joints, channels and angles) ;

(12) Light structurals (including light sections of joints, channels, angles and light rails of 30 lbs. and under) ;

(13) Tees ;

(14) Spring steel in any form unfabricated or semi-fabricated ;

(15) Alloy steel including stainless steel of all grades in any form unfabricated or semi-fabricated ;

(16) Iron or steel wire whether or not coated, plain or barbed but not insulated" ;

(5) in the SECOND SCHEDULE, after the nomenclature "Ferro-titanium", the following shall be inserted, namely—

"Ferro silico magnesium
Ferro niobium/ferro columbium
Ferro silico zirconium
Ferro boron".

Published in the *Gazette of India*, (*Ext.*), Part II, Section 3(i),
No. 355, dated 5 July 30, 1985,

MINISTRY OF LABOUR

G. S. R. 614 (E).—(*New Delhi, the 30th July, 1985*)—Whereas the draft of certain regulations further to amend the Coal Mines Regulations, 1957, was published as required by sub-section (1) of section 59 of the Mines Act, 1952 (35 of 1952), in the Gazette of India, Extraordinary, Part II—Section 3,Sub-section (i), dated the 6th September, 1984 under the notification of the Government of India in the then Ministry of Labour and Rehabilitation (Department of Labour), No. G.S.R. 650(E), dated the 6th September, 1984, inviting objections or suggestions from all persons likely to be affected thereby till the expiry of a period of three months from the date of publication of the said notification in the Official Gazette ;

And whereas the said Gazette was made available to the public on the 6th September, 1984 ;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 57 of the said Act, the Central Government, after referring the said draft to the Mining Boards constituted under the said Act and after giving such Boards a reasonable opportunity of reporting as to the expediency of making of the said regulations and as to the suitability thereof as required by sub-section (4) of section 59 of the said Act hereby makes the following regulations, further to amend the Coal Mines Regulations, 1975, namely :—

1. (1) These regulations may be called **the Coal Mines (Amendment) Regulations, 1985.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Coal Mines Regulations, 1957 (hereinafter referred to as the said regulations) in sub-regulation (1) of regulation 3, after the words and figure "Form I", the following shall be inserted, namely :—

"And a copy thereof shall be submitted to the regional inspector. The Form shall be accompanied by a plan showing the boundaries of the mine and the shafts or openings of the mine, trijunction or revenue pillars and other prominent and permanent surface features :

Provided that, in respect of a mine which has already been opened such a plan shall be submitted within sixty days of coming into force of the Coal Mines (Amendmedt) Regulations, 1985 :

Provided further that if the boundary of a mine is changed as per sub-regulation (1) of regulation 107, a plan showing the new boundary, shall be submitted within seven days of the said change".

3. After regulation 8 of the said regulations, the following regulation shall be inserted, namely :—

"8A. *Appointment of agent.*.—(1) The owner of a mine shall submit in writing to the Chief Inspector and the Regional Inspector, a statement showing name and designation of every person authorised to act on behalf of the owner in respect of management, control, supervision or direction of the mine.

(2) The statement shall also show the responsibilities of every such

person and the matters in respect of which he is authorised to act on behalf of the owner.

(3) Every such person shall be deemed to be agent for the mine or group of mines, as the case may be, in respect of the responsibilities as specified in such statement.

(4) The statement aforesaid shall be submitted within one month from the date of coming into force of the Coal Mines (Amendment) Regulations, 1985, in the case of mines already opened, or reopened as the case may be, and in other case within one month from the date of opening or reopening of the mine.

(5) Any change, addition or alteration in the names or other particulars of the aforesaid statement shall be reported in writing to the Chief Inspector and the regional inspector within seven days from the date of such change, addition or alteration."

4. In sub-regulation (2) of regulation 9 of the said regulations, for the words and figures, "under sub-regulation (1), the owner agent or manager shall within 24 hours of his being informed of the death", the words and figures, "under sub-regulation (1) or if an injury other than the serious injury becomes serious, the owner, agent or manager shall within 24 hours of his being informed of the same", shall be substituted

5. In the proviso to sub-regulation (1) of regulation 13 of the said regulations, the words "holding a degree or diploma in mining approved by the Board in the behalf" shall be deleted.

6. In sub-regulation (2) of regulation 16 of the said regulations, for the proviso the following proviso shall be substituted, namely :—

"Provided that the Board may approve a part of the period of practical experience which has been obtained in any of the aforementioned capacities in an opencast mine or in a mine other than a coal mine or in any mine which is under development, or a part of the period of the experience gained while engaged in inspection, rescue, research, planning or any other work, connected with mining operations, upto a period not exceeding one year in case of Second Class and one and a half years in case of First Class Manager's Certificate."

7. In sub-regulation (1) of regulation 21 of the said regulations,—

(i) for the words, "if he passes", the words "if he possesses such experience and passes" shall be substituted ;

(ii) after sub-regulation (1), the following proviso shall be inserted, namely :— .

Provided that the Board may, subject to such conditions as it may specify, exempt any person from appearing at the examination or part thereof for the grant of an Exchange Certificate."

8. After sub-regulation (i) of regulation 27 of the said regulations, the following sub-regulation shall be inserted, namely :—

(2) (a) A medical examination undergone in accordance with rule 29B of the Mines Rules, 1955 shall also be deemed to be an examination for the purpose of sub-regulation (1).

(b) The application for endorsement on a certificate by the Regioanl Inspector shall be accompanied by the certificate of fitness granted in terms of rule 29B of the Mines Rules, 1955 and a fee of five repees."

9. For regulation 30 of the said regulations, the following regulation shall be substituted, namely :—

"**30.** *Definition.*—For the purpose of these regulations,—

(a) all excavations within the mine boundary and all premises, plants, maceinery and works as specified in clause (j) of sub-section (1) of section 2 of the Act shall collectively constitute the mine ;

(b) the expression, "average output" of any mine, means the average per month during the preceding financial year of the total output from all excavations within the specified mine boundaries.

Explanation.—For the purpose of this clause, expression 'financial year' means a period of twelve months from the first day of April to the last day of March."

10. For regulation 107 of the said regulations, the following regulation shall be substituted, namely :—

"**107.** *Working near mine boundaries.*—(1) The owner, agent or manager of every mine shall have fixed boundaries of the mines and notwithstanding anything contained in sub-regulation (2), these shall not be changed expect with the express permission of the Chief Inspector in writing and subject to such conditions as he may specify therein.

(2) No working shall be made within a distance equal to half the distance as specified in column (5) of table under sub-reguiation (4) of regulation. 99, corresponding to the depth of the seam being worked of the boundary of any mine and in case of a disputed boundary no working shall be made within the aforesaid distance of the boundary claimed by the owner of an adjacent mine until such time as a binding agreement has been reached as to the correct boundary or the question has been finally determnated by a court of law ;

Provided that, where work is done in more than one seam, the barrier kept at the boundary shall, as far as practicable be' vertically coincident and of the same dimensions :

Provided further that, where the workings of any seam, for any reason, are extended or get extended within any shorter distance than what is laid down herein above, the Chief Inspector may, by an order in writing, require the owner to construct such protective works within such time as he may specify in the order.

(3) Notwithstanding anything contained in sub-regulation (2), the Chief Inspector may, by an order in writing and subject to such conditions as he may specify therein, permit the workings of any mine or part thereof to extend within any workings of any mine or part thereof to extened within any shorter distance than what is laid down in sub-regulation (2) or may require that the said working shall not extend further than a specified distance."

11. After regulation 191C of the said regulations, the following regulation shall be inserted, namely :—

"**191D.** *Use, supply and maintenance of self-rescuer.*—(1) No person shall go into, work or be permitted to go into or work belowground in any gassy mine of third degree and after one and three years of the coming into force of the Coal Mines (Amendment) Regulation. 1985 in any gassy mine of second and third degree respectively unless he is provided with and carries with him a self-rescuer of such type as may be approved by the Chief Inspector by a general or special order in writing.

(2) If such a self-rescuer is accidentally damaged during use or goes out of order or becomes unserviceable on having gained weight in excess of specified limits or having exceeded its specified life or has been used the owner, agent or manager shall immediatley replace such self-rescuer.

(3) The owner, agent or manager of every mine where self-rescuers are to be used, shall—

(a) at all times keep sufficient stock of self-rescuers so that they are readily available whenever needed ;

(b) provide, at the mine, adequate arrangements for cleaning, maintenance and inspection of self-rescuers ;

(c) ensure that every person who may be required to use self-rescuer under sub-regulation (1) undergoes a course of training in the use of self-rescuer, as may be specified by the Chief Inspector by a general or special order in writing."

12. For regulation 199 of the said regulations, the following regulations shall be substituted, namely :—

"199. *Place of Accident not to be disturbed.*—

(1) Whenever there occurs in or about a mine an accident causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the inspector to whom notice of the accident is required to be given under sub-section (1) of section 23, unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine :

Provided that where the Chief Inspector or the said inspector fails to inspect the place of accident within seventy-two hours of the time of the accident, work may be resumed at the place of accident.

(2) Before the place of accident involving a fatal or serious accident is disturbed or altered due to any reason whatsoever, a sketch of the site illustrating the accident and all relevant details shall be prepared (in duplicate) and such sketch shall be dully signed by the manager or assistant manager, safety officer, surveyor and the the workmen's inspector, by an work person present at the place of accident. Such sketch shall also be supported by the photographs of the place of the accident :

Provided that, if the place is disturbed or alterted to prevent further accident or rescue persons from danger before the sketch could be prepared, the same shall be ppepared immediately thereafter giving all relevant details as existed before the place was disturbed or altered.

(3) One of the authenticated sketches shall be delivered or sent to the concerned inspector of mines.

199A. *Emergency Plan*—(1) The manager of every mine having workings below ground shall prepare a general plan of action for use in time of emergency. The plan shall outline the duties and responsibilities of each mine official and key men including the telephone operators, so that each person shall know what is expected of him in case fire, explosion or other emergency occurs. All officials and key men shall be thoroughly instructed in their duties so as to avoid contradictory orders and confusion at the time when prompt and efficient action is needed. The emergency plan shall also provide for mock rehearsals at regular intervals.

(2) The manager shall submit a copy of the aforesaid emergency plan prepared by him to the regional inspector, within 60 days of the coming into force of the Coal Mines (Amendment) Regulations, 1985, or in the case of a mine which is opened or reopened thereafter, within thirty days of such opening or re-opening The Regional Inspector may, by an order in writing approved of such action plan, either in the form submitted to him or with such additions and alterations as he may think fit and the action plan so approved shall be enforced at the mine.

(3) On receiving information of any emergency, the Manager and in his absence the principal official present at the surface, shall immediately put the emergency action plan in operation."

13. Regulation 201 of the said regulations shall be omitted.

14. In regulation 204 of the said regulations,—

(i) In sub-regulation (1), for the words "Mining Board constituted under Section 12 of the Act or if no Mining Board has been constituted for the area in which the mine or part thereof is situated, to the Central Government", the words "Committee constituted under section 12 of the Act" shall be substituted ;

(ii) (a) in sub-regulation (2) for the words "the Mining Board or of the Central Government, as the case may be", the words 'the Committee" shall be substituted ;

(b) in the proviso to sub-regulation (2) for the words "the Mining Board or the Central Government, as the case may be", the words "the Committee" shall be substituted.

Published in the *Gazette of India, Extraordinary*, Part II, Section 3(i), No. 355, dated July 30, 1985.

MINISTRY OF LABOUR

G.S.R. 615 (E).—Whereas the draft of certain regulations further to amend the Metalliferious Mines Regulations, 1961 was published as required by sub-section (1) of the section 59 of the Mines Act, 1952 (35 of 1952), in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 6th September, 1984, with the notification of Government of India in the then Ministry of Labour and Rehabilitation (Department of Labour), No. G.S.R 651(E), dated the 6th September, 1984, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of three months from the date of publication of the said notification in the Official Gazette ;

And whereas the said Gazette was made available to the public on the 6th Sepetember, 1984:

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of powers conferred by section 57 read with sub-section (4) of section 59 of the said Act, the Central Government, hereby makes the following regulations, further to amend the Metalliferous Mines Regulations, 1961, namely :—

1. (1) These regulations may be called **the Metalliferous Mines (Amendment) Regulation, 1985.**

( ) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-regulation (9) of regulation 2 of the Metalliferous Mines Regulations, 1961 (hereinafter referred to as the said regulation), for the words and figure "age of 21 years", the words and figure "age of 20 years" shall be substituted.

3. In sub-regulation (1) of the regulation 3 of the said regulations, after the words "First Schedule" the following shall be inserted, namely :—

"and a copy thereof shall be submitted to the regional inspector. The form shall be accompanied by a plan showing the boundaries of the mine and the shafts or openings of the mine, trijuction or revenue Pillars and other prominent and permanent surface features :

Provided that, in respect of a mine which has already been opened such a plan shall be submitted within sixty day of coming into force of the Metalliferous Mines (Amendment) Regulation, 1985 :

Provided further that if the boundry of a mine is changed as per sub-regulation (1) of regulation 111 a plan showing the boundry shall be submitted within seven days of the said change."

4. After regulation 8 of the said regulations, the following regulation shall be inserted, namely :—

"8A. *Appointment of agent.*—(1) The owner of a mine shall submit in writing to the Chief Inspector and the Regional Inspector, a statement showing name and designation of every person authorissed to act as an agent on behalf of the owner of a mine in respect of management, control, supervision or direction of the mine.

(2) The statement shall also show the responsibilities of every such person and the matters in respect of which he is authorised to act on behalf of the owner of a mine.

(3) The statement aforesaid shall be submitted within one month from the date of coming into force of the Metalliferous Mines (Amendment) Regulations, 1985, in the case of mines already opened or reopened as the case may be, and in other cases within one month from the date of opening or reopening of the mine.

(4) Any change, addition or alteration in the names or other particulars of the aforesaid statement shall be reported in writing to the Chief Inspector and the Rigonal Inspector within seven days from the date of such change, addition or alteration."

5. In sub-regulation (2) of regulation 9 of the said regulations, for the words "under sub-regulation (1), the owner, agent or manager shall within 24 hours of his being informed of the death,", the words ' under sub-regulation (1) or if an injury other than the serious injury becomes serious, the owner, agent or manager shall within 24 hours of his being informed of the same," shall be substituted.

6. In the first proviso to **sub-regulation** (1) of regulation 13 of the said regulations, the words "holding a degree or diploma in mining approved by the Board in this behalf" shall be omitted.

7. In clause (a) of sub-regulation (1) of regulation 15 of the said regulations, for the words and figures "21 years of age", the words and figure, "20 years of age" shall be substituted.

8. In sub-regulation (2) of regulation 16 of the said regulations after the proviso, the following proviso shall be inserted, namely :—

"Provided further that the Board may approve a part of the period of the experience gained while engaged in inspection, rescue, research. planning or any other work, connected with mining operations so however that, the aforesaid period shall not, inclusive of the period of experience in coal mines approved under regulation 19, exceed one year in case of a second class coal and one and half years in case of First Class Manager's Certificate."

9 In sub-regulation (2) of the regulation 22, for the proviso, the following proviso shall be substituted, namely :—

"Provided that the Board may subject to such conditions as it may specify, exempt any person from appearing at the examination or part thereof, for the grant of an Exchange Certificate."

10. For regulation 29 of the said regulations, the following regulation shall be substituted, namely : –

"29 *Snspension of Certificate of Foreman, Mate, Engine driver, Blaster or Gas-testing.*—(1) If the regional inspector is of the opinion that the holder of a certificate of Foreman, Mate. Engine-driver, Blaster or Gas-testing is incompetent or is guilty of negligence or misconduct in the performance of his duties. he may hold an enquiry to determine whether or not such a person (hereinafter referred to as the delinquent) is fit to continue to hold such certificate.

(2) During such enquiry he shall record,—

(a) any evidence that the delinquent may like to give ;

(b) the evidence of any witness that the delinquent may like to produce ;

(c) the evidence of the Manager of the mine ; and

(d) any other evidence that may be considered necessary or relevant by the regional inspector.

Unless the delinquent fails to be present inspite of sufficient notice, the evidence aforesaid shall be recorded in the presence of the delinquent and he shall be given a reasonable opportunity to cross-examine the witnesses (other than those produced by him). The regional inspector also may cross-examine the delinquent and the witnesses produced by him.

(3) If as a result of the enquiry the regional inspector is of the opinion that the delinquent is not fit to hold the certificate, he shall within fifteen days from the date of the conclusion of his enquiry, submit a report to the Chairman of the Board together with his finding, notes of evidence recorded during the enquiry and other relevant records. After considering such report, evidence and records, the Chairman may without any further reference to the Board suspend the certificate of the delinquent for a period not exceeding three months.

(4) Where the Chairman is of the opinion that the suspension of the certificate for a period exceeding three months or its cancellation is called for, he shall recommend to the Board accordingly together with the findings

of the Regional Inspector, the notes of evidence and other relevant records. A copy of such communication addressed to the Board together with the copies of the notes of evidence and the findings of the regional inspector shall also be sent to the delinquent who may submit his written representation within thirty days from the date of receipt of such copies

(5) The Board may, after considering the evidence and other record and the written representation, if any, submitted by the delinquent, either increase the period of suspension or cancel the certificate as it deems fit

(6) Where a certificate is suspended or cancelled under this regulation the Chairman of the Board may call for such certificate and make suitable, endorsement thereon."

11. For sub-regulation (2) of regulation 30 of the said regulations, the following sub-regulation shall be substituted, namely :—

"(2) (a) A medical examination undergone in accordance with rule 29B of the Mines Rules, 1955 shall also be deemed to be an examination for the purpose of sub-regulation (1).

(b) The application for endorsement on a certificate by the regional inspector shall be accompanied by the certificate of fitness granted in terms of rule 29B of the Mines Rules, 1955 and a fee of five rupees.".

12. For regulation 33 of the said regulations, the following regulation shall be substituted, namely :—

"33. *Definition.*—For the purpose of these regulations,—

(a) all excavations within the mine boundary and all premises, plants machinery and works as specified in clause (j) of sub-section (i) of section 2 of the Act shall collectively constitute the mine ;

(b) the expression, "average employment" of any mine, means the average per day during the preceding quarter of the total employment in all excavations and specified ancillary facilities within the specified mine boundaries (obtained by dividing the number of man days worked by the number of working days excluding the rest days and other non-working days).

13. In regulation 111 of the said regulations :—

(i) the existing sub-regulations (i) and (2) shall be renumbered as sub-regulations (2) and (3) respectively and before sub-regulation (2) so renumbered, the following sub-regulation shall be inserted, namely :—

"(1) The owner, agent or manager of every mine shall fix the boundaries of the mines Notwithstanding anything contained in sub-regulation (2) ; the boundary shall not be changed except with the permission of the chief inspector in writing and subject to such conditions as he may specify therein".

(ii) after sub-regnlation (2) so re-numbered, the following proviso shall be inserted, namely :—

"Provided that, where the workings of any seam, for any reason, are extended or get extended within any shorter distance than what is laid down hereinabove, the Chief Inspector may, by an order in writing, require the owner to construct such protective works within such time as he may specify in the order".

14. For regulation 190 of the said regulations, the following regulations shall be substituted, namely :—

"190. *Place of accident*.—(1) Whenever an accident occurs in or about a mine causing loss of life or serious bodily injury to any person, the place of accident shall not be disturbed or altered before the arrival or without the consent of the Chief Inspector or the Inspector to whom notice of the accident is required to be given under sub-section (1) of section 23 of the Act unless such disturbance or alteration is necessary to prevent any further accident, to remove bodies of the deceased, or to rescue any person from danger, or unless discontinuance of work at the place of accident would seriously impede the working of the mine :

Provided that the work may be resumed at the place of accident in case the chief inspector or the inspector fail to inspect the place of accident within seventytwo hours.

(2) Before the place of accident involving a fatal or serious accident is disturbed or altered due to any reason whatsoever, a sketch of the site illustrating the accident and all relevant details shall be prepared (in duplicate) and such sketch shall be duly signed by the manager or assistant manager, safety officer, surveyor and the workmen's inspector or, where there is no workmen's Inspector by a workperson nominated by the workers in this behalf :

Provided that, if the place is disturbed or altered to prevent further accident or rescue persons from danger before the sketch could be prepared, the same shall be prepared immediately thereafter giving all relevant details as existed before the place was disturbed or altered.

(3) One of the authenticated sketches shall be delivered or sent to the concerned inspector of Mines.

190A. *Emergency plan*.—(1) The manager of every mine having workings below ground shall prepare a general plan of action for use in time of emergency. The plan shall outline the duties and responsibilities of each mine official and men including the telephone operators, so that each person shall know his duties in case fire, explosion or other emergency occurs. All officials and key men shall be thoroughly instructed in their duties so as to avoid contradictory orders and confusion at the time when prompt and efficient action is needed. The emergency plan shall also provide for mock rehearsals at regular intervals.

(2) The manager shall submit a copy of the aforesaid emergency plan prepared by him to the regional inspector. within 60 days of the coming into force of the Metalliferous Mines (Amendment) Regulations, 1985, or in the case of a mine which is opened or re-opened thereafter, within 30 days of such opening or re-opening. The regional inspector may, by an order in writing approve of such action plan, either in the Form submitted to him or with such additions and alterations as he may think fit, and the action plan so approved shall be enforced at the mine

(3) On receiving information of any emergency the manager and in his absence the principal official present at the surface, shall immediately put emergency action plan in operation".

15. Regulation 192 of the said regulations shall be omitted.

16. In regulation 195 of the said regulations,—

(i) in sub-regulation (1), for the words and figure "Mining Board constituted under section 12 of the Act or, if no Mining Board has been constituted for the area in which the mine or part thereof is situated, to the Central Government", the words and figure "Committee constituted under section 12 of the Act" shall be substituted ;

(ii) (a) In sub-regulation (2) for the words "the Mining Board or of the Central Government, as the case may be", the words "the Committee" shall be substituted ;

(b) in the proviso to sub-regulation (2) for the words "the Mining Board or the Central Government, as the case may be", the words "the Committee", shall be substituted.

Published in the *Gazette of India*, (*Extraordinary*), Part II, Section 3(i), No. 228, dated June 1, 1985.

MINISTRY OF TOURISM AND CIVIL AVIATION

G S.R. 471(E) —(*New Delhi, the 1st June, 1985*).—Whereas certain draft rules further to amend the Aircraft Rules, 1937 were published with the notification of the Government of India in the Ministry of Tourism and Civil Aviation No. GSR 630, dated the 14th May, 1984 in the Gazette of India, Part II, Section 3, Sub-section (i) dated 23rd June, 1985 inviting objections and suggestions from all persons likely to the affected thereby :—

And whereas copies of the said Gazette were made available to the public on the 23rd June, 1984 ;

And whereas the objections or suggestions received from the public on the said draft have been taken into consideration ;

Now, therefore in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules further to amend the Aircraft Rules 1937, namely :—

1. (a) These rules may be called **the Aircraft (Third Amendment) Rules, 1985.**

(b) They shall come into force on the date of their publication in the Official Gazette ;

2. In the Aircraft Rules, 1937, in Schedule II,

(1) for Section P the following Section shall be substituted, namely:—

"SECTION 'P'

STUDENT FLIGHT ENGINEER'S LICENCE

1. *Requirements for the issue of licence.*—An applicant for a Student Flight Engineer 's licence shall satisfy the following requirement namely :—

(a) *Age* —He shall not be less than 21 years of age on the date of application.

(b) *Medical fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under rule 39-B.

(c) *Qualification.*—Educational. He must have passed Higher Secondary examination with physics and mathematics or an examination equivalent thereto as recognised by the Director General of Civil Aviation.

Technical.—He shall have completed a Flight Engineers Ground Course of Instructions in the basic technical and aeronautical knowledge required of a flight engineer as approved by the Director General of Civil Aviation.

(d) *Knowledge.*—Subject to the successful completion of the course mentioned in clause (c) above, he shall pass a written examination in the following subjects :—

(i) Regulations and procedures including rules, regulations and procedures in so far as duties of flight engineers are concerned.

(ii) Fundamentals of aerodynamics and theory of flight and navigation.

(iii) General principles of constructions maintenances and functioning of airframes, power plants including their accessories, instruments, installed equipment and related systems.

(iv) Selected elements of flight planning including centre of gravity computation, fuel consumption and endurance, power plant out put and centre of power output, engine power curves and mathematical computation invoived.

(v) Aircraft performance characteristics and limitations.

(vi) Flight documentation relating to the duties of flight engineer.

(vii) Procedures in the event of power plant or system malfunction or emergencies paricularly in the event of fire.

(viii) Knowledge of varying meteorological conditions and their effect on aircraft, power plant operations.

(ix) Detailed knowledge of filght/operation manuals including the knowledge of the functioning of the aircraft systems and other components installed in the systems.

(x) Procedure for airworthiness checks, defects reporting, preflight inspections, types of fuel precautions during refuelling and use of external power.

2. *Validity* —The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination subject to the total validity of the licence not exceeding 24 months from the date of issue.

3. *Renewal.*—Licence may be renewed for a period not exceeding 12 months from the date of a successful medical examination.

4. *Aircraft rating.*—Licence shall indicate the type of aircraft on which the holder is entitled to fly in the capacity of a student flight engineer.

5 *Extension of aircraft rating.*—For extension of aircraft rating to include an additional type of aircraft, an applicant shall have completed a fight engingeer's ground course of instructions as per para 7 2 approved by Director General of Civil Aviation and passed a written examination, subsequent to successful completion of the approved course, it aircraft engine and systems pertaining to the type of aircraft for which extension of aircraft rating is desired.

6. *Privileges.*—Subject to the validity of endorsements and rating in the licence the privileges of the holder of a student flight eugineer's licence shall be to act as a student flight engineer on any type of aircraft entered in aircraft rating of his licence and which has separate flight engineer's station provided that :—

(a) he shall so act at times under personal supervision of a flight engineer and solely for the purpose of gaining flight experience required for obtaining a flight engineer's licence ;

(b) he shall not act as a student flight engineer of a transport aircraft carrying passengers unless he shall satisfactorily completed a course of training for a minimum of 10 hours on local training flights or non-passenger carrying flight during which he shall have carried out not less then 10 take-offs and 10 landings and he has been certified fit by an examiner to operate as student flight engineer on the type of transport aircraft carrying passengers. Out of the 10 hours stipulated as training experience, not more than 8 hours shall be on a approved synthetic device Landings carried out on synthetic device shall not count towards the 10 landings referred to above.

7. Flight Engineer's Ground Course of instructions as referred to in para 1 (c)(ii) shall consist of (i) Basic course (ii) type course ; as per the details given in para 7.1 below.

7.1 *Basic Course.*—The duration of the course shall be decided by the Director General of Civil Aviation keeping in view the aducational and experience background of trainess and the course shall consist of the following subjects :—

(a) Aircraft rules and civil airworthiness requirements in so far as duties of flight engineer are concerned.

(b) Theory of flight.
(c) Properties of air.
(d) Basic airframe and associated systems.

(e) *Basic engine*—gas turbine engine or piston engine including propeller system as applicable.

(f) Basic electrical.
(g) Basic instruments.
(h) Ground handling and servicing procedurs.
(i) Weight and balance.
(j) Emergency equipments.
(k) Fuel systems.
(l) Ice and rain protection.

7.2 *Type Course.*—The duration of the course shall be as such as approved by the Director General of Civil Aviation keeping in view of complexity of aircraft and shall cover the following subjects :

(a) Aircraft systems and accessories including malfunction analysis.

(b) *Aircraft engines.*—gas turbine engine or piston engine including propeller system as applicable including malfunction analysis,

(c) Fuel management.
(d) Ground handling and servicing procedures.
(e) Weight and balance.
(f) Use of cockpit list/minimum equipment list.
(g) External and internal pre-flight check.
(h) Normal operation procedures.
(i) Alternate or emergency operating procedures.
(j) Aircraft performance.
(k) Documents relating to aircraft airworthiness.

(l) Emergency equipment.

(m) Fire protection system.

(n) Aircraft systems, power systems, instrument system, electrical sytem operating limitation.

(o) Ice and rain protection.

(p) Landing gear and braking system.

(q) A General knowldge of the normal, abnormal and emergency use of radio, communication, navigation and radar systems.

8. *Exemptions.*—Where an applicant produces acceptable evidence that he has attended a ground course of instructions or has passed Aircraft Maintenance Engineer's Licence examinations of at least equal standards in any subject specified earlier in this section, he may granted exemption from the requirements of paras 7.1 and 7.2 as applicable by the Director General of Civil Aviation."

(ii) for Section 'Q' the following Section shall be substituted, namely :—

"SECTION 'Q'
FLIGHT ENGINEER'S LICENCE

1. *Requirement for the issue extension of licence.*—An applicant for issue extension of a flight engineer's licence shall satisfy the following requirements:

(a) He must have a current Student Flight Engineer's Licence on the type of aircraft which is desired to be included in the aircraft rating of his flight engineer's licence.

(*b*) *Medical fitness*.—He shall produce on a precribed performa a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General of Civil Aviation under rule 39-B.

(*c*) *Experience.*—An applicant shall produce evidence of having completed within a period of 12 months immediately preceding the date of his application for licence 100 hours of flying experience on the type of aircraft desired to be included in the licence. Out of his flying experience not more than 50 hours shall be obtained on an approved synthetic flight trainer.

(*d*) *Skill.*—He shall have demonstrated his competency as a flight engineer to the satisfaction of a Director General of Civil Aviation approved examiner by undergoing the following tests on the type of aircraft to which the application relate within a period not exceeding 6 months immediately preceding the date of such application.

(*i*) *Normol opertions.*—A check on representative air route covering —

— per-flight inspection;

— refuelling procedure;

— inspection of appropriate maintenance documents;

— all normal procedure applicable to his duties as specified in the relevant parts of Operation Manual. crew co-operation; and

— defect reporting.

(*ii*) *Abnormal and alternate (stand by) operations.*— A check on his ability to recognize abnormal functioning of systems and use of alternate (stand by) procedures.

(*iii*) *Emergency procedures.*—Demonstration of practical knowledge of emergency procedures and the ability to take appropriate action in the event of engine failure occuring practiculary during take-offs and landings.

2. *Validity.*—The period of validity shall commence from the date of issue of renewal of a licence. The licence shall be valid for a period of not exceeding 12 months from the date of medical examination except when an applicant has been medically examined during thirty days immediately preceeding the date of expiry of the licence full period of validity may be allowed from the date of expiry.

3. *Renewal.*—(i) The licence may be renewed on receipt of satisfactorily evidence of an applicant,—

(a) having undergone a successful medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 20 hours of flight time as a flight engineer within a period of 6 months immediately preceding the date of application for renewal or in liew thereof having flight tests as laid down in clause (d) of paragraph 1 within the same period.

4. *Aircraft rating.*—The licence shall indicate the type of aircraft the holder is entitled to fly in the capacity of a flight engineer.

5. *Extension of aircraft rating.*—For extension of aircraft rating to include an additional type of aircraft, an applicant shall be required to produce evidence of.—

(a) having a current student flight engineer's licence on the type of aircraft which is desired to be included in the aircraft rating of his licence.

(b) having completed within a period of 12 months immediately preceding the date of the application for extension of aircraft rating, 50 hours of flying experience on the type of aircraft desired to be included in his licence. Out of this flying experience not more than 25 hours shall have been obiained on an approved synthetical flight trainer.

(c) having succesafully completed the flight test as laid down in clause (d) of paragraph 1 in respect of the type the aircraft for which the aircraft rating is desired within a period of 6 months immediately preceding the date of application for extension of aircraft rating.

6. *Privileges.*—Subject the endorsements and rating in the licence the privileges of the holder of a flight engineer's licence shall be to act as flight engineer in any aircraft of a type specified in the aircraft rating of this licence provided during the preceding 12 months he has demonstrated, his competency as in para (d) (ii) and (iii) above to an approved examiner to undertaken duties of flight engineer in the type of aircraft or in an approved flight simulator".

Published in *the Gazette of India*, Part II, Section 3(i), No. 31, dated 3rd August, 1985.

MINISTRY OF HOME AFFAIRS

GSR 713.—(*New Delhi, the 26th July, 1985*).—In exercise of the powers conferred by clause (d), (e) and (f) of sub-section (2) of section 35 of the **Administrative Tribunals** Act, 1985 (13 of 1985), the Central Government hereby makes the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the **Central Administrative Tribunal (Procedure) Rules, 1985.**

(2) Thev shall come into force on the 2nd September, 1985.

2. *Defiintions.*—In these rules, unless the context otherwise requires :—

(a) "Act" means the Administrative Tribunals Act 1985 (13 to 1985) ;

(b) "agent" means a person duly anthorised by a party to present application or reply on its behalf before the Tribunal ;

(c) "applicant" means a person making an application to the Tribunal under Section 19 ;

(d) "Application" means an application made to the Tribunal under section 19 ;

(e)"legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 to 1961) ;

(f) "Presiding Officer" means the presiding officer of a Bench ;

(g) "Registrar" means the Registrar of the Tribunal and includes any officer to whom the powers and the functions of the Registrar may be delegated under clause (2) of rule 26 ;

(h) "Registry" means the Registry of the Tribunal ;

(i) "Section" means a section of the Act ;

(j) "transferred application" means the suit or other proceeding which has been transferred to the Tribunal under sub-section (1) of section 29 ;

(k) "Tribunal" means the Central Administrative Tribunal established under section 4.

3 *Language of the Tribunal.*—(1) The language of the Tribunal shall be English :

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi if they so desire :

Provided further that a Bench may in its discretion, permit the use of Hindi in the proceeding ; However, the final order shall be in English.

(2) Notwithstanding anything contained in rule (1), the Tribunal may pass such order in Hindi, as and when it deems fit :

Provided that any such order shall be accompanied by a translation in English of the same, duly attested by the Bench concerned.

4. *Procedure for filing applications.*—(1) An application to the Tribunal shall be presented in Form 1 annexed to these rules by the applicant in person or by an agent or by a duly authorised legal practitioner, to the Registrar or sent by registered post addressed to the Registrar.

(2) The application under sub-rule (1) shall be presented in six complete sets in a paper book form alongwith an empty file size envelope bearing full address of the respondent and where the number of respondents is more than one, sufficient number of extra paper books together with empty file size envelopes bearing full address of each respondent shall be furnished by the applicant.

5. *Presentation and scrutiny of applications*—(1) The Registrar. or, as the case may be the officer authorised by him under rule 4, shall endorse

on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar may allow the applicant such time to rectify the defect as he may deem fit.

(4) If the concerned applicant fails to rectify the defect within the time allowed in sub-rule (3) the Registrar may by order and for reasons to be recorded in writing' decline to register the application.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Presiding Officer concerned in chamber whose decision thereon shall be final.

6 *Place of filing applications.*—The application shall be filed by the applicant either with the Registrar of the additional Bench within whose jurisdiction the aplicant is posted for the time being or with the Registrar of the principal Bench.

7. *Application fee.*—Every application filed with the Registrar shall be accompanied by a fee of rupees fifty and the fee may be remitted either in the form of a crossed Demand Draft drawn on a Nationalised Bank in favour of the Registrar and payable at the station where Registrar's office is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar and payable in Central Post Office of the station where the Tribunal is located.

8. *Contents of application.*—(1) Every application filed under rule 4 shall set-forth, concisely under distinct heads, the grounds for such application and such grounds shall be numbered consecutively and shall be typed in dobule space on one side of the paper.

(2) It shall not be necessary to present separate application to seek interim order or direction if in the original application the same is prayed for.

9 *What to accompany the application.*—(1) Every application shall be accompained by a paper book containing :

(i) the certified copy of an order against which the application has been filed :

(ii) all the documents relied upon by the applicant and mentioned in the application ;

(iii) details of the crossed Demand Draft or crossed Indian Postal Order representing the application fee ;

(iv) index of documents.

(2) The documents referred to in sub-rule (1) shall be neatly typed in double space on one side of the paper, duly attested by a Gazetted Officer and numbered accordingly.

(3) Where the parties to the suit or proceedings are being represented by an agent, documents authorising such agent shall also be appended to the application :

Provided that where the agent is a legal practitioner, such document of authorisation shall be in the form of a duly executed Vakalatnama.

10. *Plural remedies.*—An applicant shall not seek relief or reliefs based on more than a single cause of action in one single application unless the reliefs prayed for are consequential to one another.

11. *Endorsing copy of application to the respondent.*—A copy of the application and paper-book shall be served on each of respondent as soon as they are filed, by the Registrar by registered post.

12. *Filing of reply and other documents by the respondent.*—(1) The respondent may file six complete sets containing the reply to the application alongwith documents in a paper-book form with the registry within one month of the service of the notice of the filing of the application on him.

(2) The respondent shall also endorse one copy of the reply alongwith documents as mentioned in sub-rule (1) to the applicant.

(3) The Tribunal may, in its discretion, on application by the respondent allow the filing of reply referred to in sub-rule (1), after the expiry of the period referred to therein.

13. *Date and place of hearing to be notified.*—The Tribunal shall notify to the parties the date and the place of hearing of the application.

14. *Hearing of applications.*—(1) On the date fixed, or any other date to which the hearing could be adjourned, the Tribunal shall decide the application on a perusal of documents and written representations and after hearing of oral arguments, if any, allowed by the Tribunal in the circumstances of the case.

(2) The Tribunal shall allow the applicant and the respondent to give oral arguments as referred to in sub-rule (1) for such time as it may deem fit.

(3) After holding an enquiry in terms of sub-section (3) of section 22 or on the conclusion of oral arguments as required under sub-rules (1) and (2) the Tribunal shall decide the application.

15. *Action on application for applicant's default.*—(1) Where on the date fixed for hearing on the application or on any other date for which such hearing may be adjourned, the applicant does not appear when the application is called on for hearing, the Tribunal may, in its discretion, either dismiss the application for default or hear and decide it on merit

(2) Where an application has been dismissed for default and the applicant appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application was called on for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same.

16 *Hearing on application ex-parte.*—Where on the date fixed for hearing on the application or on any other date to which hearing is adjourned, the applicant appears and the respondent does not appear when the application is called on for hearing, the Tribunal may, in its discretion, adjourn or hear and decide the application ex-parte.

17. *Adjournment of application.*—The Tribunal may on such terms as it deems fit and at any stage of the proceedings adjourn hearing of the application.

18. *Order to be signed and dated.*—Every order of the Tribunal shall be

in writing and shall be signed and dated by the Members constituting the Bench concerned.

19. *Publication of orders.*—Such of the orders of the Tribunal as are deemed fit for publication in any authoritative report or the press may be released for such publication on such terms and conditions as the Tribunal may lay down.

20. *Communication of orders to parties* —Every order passed on an application shall be communicated to the applicant and to the respondent either in person or by registered post free of cost.

21. *No fee for inspection of records.*—No fee shall be charged for inspecting the records of pending application by a party thereto.

22. *Orders and directions in certain cases.*—The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect or in relation to its orders or to prevent abuse of its process or to secure of ends of justice.

23 *Registration of legal practitioners clerks.*—(1) A clerk employed by a legal practitioner and permitted, as such to have access to the records of and obtain copies of the orders of the Tribunal in which the legal practitioner practices is known as a "registered clerk".

(2) A legal practitioner desirous of registering his clerk shall put in an application to the Registrar in Form 2 appended to these rules.

(3) A legal practitioner shall have at a time not more than two registered clerks unless the Registrar by general or special order otherwise premits.

(4) A register of all the registered clerks shall be maintained in the office of the Registrar and after registration of the clerk, the Registrar shall direct the issue of an identity card to each registered clerk which shall be non-transferable and shall be produced by the holder upon request by any officer or other employee of the Tribunal authorised in this behalf.

(5) The identity card mentioned in sub-rule (4) shall be issued under the signature of the Deputy Registrar of the Tribunal.

(6) Whenever a legal practitioner ceases to employ a registered clerk, he shall notify the fact at once to the Registrar by means of a letter enclosing therewith the identity card issued to his clerk by the registry and on receipt of such letter the name of the registered clerk shall be struck off from the register.

24. *Working hours of the Tribunal.*—Except on Saturdays, Sundays and other public holidays, the offices of the Tribunal shall, subject to any order made by the Chairman, remain open daily from 10.00 a.m. to 6.00 p.m. but no work, unless of an urgent nature, shall be admitted after 4.30 p.m. on any working day.

25. *Sitting hours of the Tribunal.*—The sitting hours of the Tribunal (including a vacation Bench) shall ordinarily be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 5.00 p m subject to any order made by the Chairman.

26. *Powers and functions of the Registrar.*—(1) The Registrar shall have custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Chairman by separate order.

(2) The Registrar may, with the approval of the Chairman, delegate to Joint Registrar or Deputy Registrar any function required by these rules to be exercised by the Registrar.

(3) In the absence of Registrar, the Joint Registrar or the Deputy Registrar, as the case may be, may exercise all the functions of the Registrar.

(4) The official seal shall be kept in the custody of the Registrar.

(5) Subject to any general or special direction by the Chairman, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Registrar or the Deputy Registrar.

(6) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar or the Deputy Registrar,

27. *Additional powers and duties of Registrar.*—In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Chairman namely :—

(i) to receive all applications and other documents including transferred applications ;

(ii) to decide all questions arising out of the scrutiny of the applications before they are registered ;

(iii) to require any application presented to the Tribunal to be amended in accordance with the rules ;

(iv) subject to the directions of the respective Benches to fix date of hearing of the applications or other proceedings and issue notices thereof;

(v) to direct any formal amendment of records;

(vi) to order grant of copies of documents to parties to proceedings ;

(vii) to grant leave to inspect the records of the Tribunal;

(viii) dispose of all matters relating to the service of notice or other processes, applications for the issue of fresh notices or for extending the time for or ordering a particular method of service on a respondent including a substituted service by publication of the notice by way of advertisements in the newspapers;

(ix) to requisition records from the custody of any court or other authority;

(x) to receive application for the substitution of legal representatives of the deceased parties during the pendency of the application;

(xi) applications for substitution, except where the substitution would involve setting aside or abatement;

(xii) applications by parties for return of documents.

28. *Seal and emblem.*—The official seal and emblem of Tribunal shall be such as the Central Government may specify.

29. *Dress for the Members and staff of the Tribunal.*—The dress for the Members of the Tribunal (including Chairman and Vice Chairman) and members of the staff of the Tribunal shall be such as the Chairman may specify.

30. *Dress for the parties.*—Every legal practitioner or, as the case may be presenting officer shall appear before the Tribunal in his professional dress, if any, and if there is no such dress :—

(i) if a male, in a close collared black coat or in an open collared black coat with white shirt and trousers and black tie;

(ii) if a female, in a black coat over a white saree or over any other white dress.

FORM 1

(*See* rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

For use in Tribunal office.

DATE OF FILING ————————
OR
DATE OF RECEIPT BY POST ————————
REGISTRATION NO. ————————

SIGNATURE
REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
***PRINCIPAL BENCH, NEW DELHI**
***ADDITIONAL BENCH————————**

BETWEEN
A B APPLICANT
AND
C D RESPONDENT

*Delete which is not applicable.

DETAILS OF APPLICATION

1. Particulars of the applicant
   (i) Name of the applicant
   (ii) Name of Father/Husband
   (iii) Designation and office in which employed
   (iv) Office address
   (v) Address for service of all notices,
2. Particulars of the respondent
   (i) Name and/or designation of the respondent
   (ii) Office address of the respondent.
   (iii) Address for service of all notices.
3. Particular of the order against which application is made
   The application is against the following order :
   (i) Order No.
   (ii) Date
   (iii) Passed by
   (iv) Subject in brief.
4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

train not intended for the use of passengers or projects any part of his body out of a train after being warned by any metro railway official to desist, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to be removed from the train by any metro railway official authorised by the metro railway administration in this behalf.

13 *Penalty for unlawfully entering or remaining upon the metro railway or walking on the metro railway line.*—(1) If a person enters into or upon the metro railway without any lawful authority or having entered with lawful authority remains there unlawfully and refuses to leave on being requested to do so by any metro railway official, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(2) If any person walks on the metro railway line without any lawful authority, he shall be punishable with imprisonment for a term which may extend to five hundred rupees, or with both.

14. *Endangering the safety of passengers.*—If any metro railway official, when on duty, endangers the safety of any passenger,—

(a) by any rash or negligent act or omission ; or

(b) by disobeying any rule or order which such official was bound by the terms of his employment to obey, and of which he had notice,

he shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to six thousand rupees, or with both.

15. *Abandoning train, etc. without authority.*—If any metro railway official when on duty, is entrusted with any responsibility connected with the running of a train or any rolling stock from one station or place to another station or place, and he abandons his duty before reaching such station or place, without authority or without properly handing over such train or rolling stock to another authorised metro railway official, he shall be punishable with imprisonment for a term which may extend to four years, or with fine which may extend to five thousand rupees, or with both.

16. *Obstructing running of trains, etc.*—If any person obstructs or causes to be obstructed or attempts to obstruct any train or other rolling stock upon the metro railway by squatting picketing, or keeping without authority any rolling stock on the metro railway or tampering with any signalling installations or by interfering with the working mechanism thereof, or otherwise, he shall be liable to be removed by any metro railway official authorised by the metro railway administration in this behalf and shall also be punishable with imprisonment for a term which may extend to four years, or with fine which may extend to five thousand rupees, or with both.

17. *Offences by Companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director. manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER IV

Miscellaneous

18. *Application of Act 9 of 1890 and the rules, etc., made thereunder to the metro railway.*—Save as otherwise expressly provided in this Act. the provisions of the Indian Railways Act, 1890, and the rules, orders or notifications made or issued thereunder shall, so far as may be, and subject to such modifications as may be necessary, apply to the operation and maintenance of the metro railway, as if such metro railway were a railway as defined under that Act, and the references to "railway administration" and "inspector" in that Act shall be construed as references to the "metro railway administration" and "commissioner" respectively.

19. *Effect of Act and rules, etc., inconsistent with other enactments.*—The provisions of this Act or any rule made or any notification issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

20 *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government, the metro railway administration or any officer or other employee of that Government or the metro railway administration for anything which is in good faith done or intended to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall lie against the Central Government or the metro railway administration or any officer or other employee of that Government or the metro railway administration for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

21. *Power to remove difficulties* —If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

22. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely :—

(a) the terms and conditions of service of the officers and other employees of the metro railway administration under sub-section (2) of section 3 ;

(b) the cases in which and the extent to which the procedure specified in section 4 for the opening of the metro railway for public carriage of passengers may be dispensed with ;

(c) the volume and weight of the baggage containing personal belongings that may be carried by a person while travelling in the metro railway ;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. *Repeal and saving.*—(1) The Calcutta Metro Railway (Operation and Maintenance) Temporary Provisions Ordinance, 1984 (13 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE APPROPRIATION (RAILWAYS) ACT, 1985.

The following Act of Parliament received the assent of the President on the 9th February, 1985, and was published in the *Gazette of India*, (*Ext*), Part II, Section 1, No. 6, dated 11th February, 1985.

INDIAN PARLIAMENT ACT No. 6 OF 1985,

[*9th February, 1985.*]

An Act to provided for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of railways during the financial year ended on the 31st day of March, 1983, in excess of the amounts granted for those services and for that year.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation** (Railways) Act, 1985.

(Text omitted).

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President on the 16th February, 1985 and was published in the *Gazette of India, Extraordinary*, Part II, Section I, No. 13, dated 16th February, 1985.

INDIAN PARLIAMENT ACT No. 12 of 1985.

16th February, 1965]

An Act further to amend the Gangtok Municipal Corporation Act, 1975.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(*1*) This Act may be called **the Gangtok Municipal Corporation (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 17th day of December, 1984.

2. *Amendment of section 3.*—In the Gangtok Municipal Corporation Act, 1975 (Sikkim Act No. IV of 1975) (hereinafter referred to as the principal Act), in section 3, in the proviso to sub-section (5), for the words "one year", the words "one year at a time, but not beyond a total period of two years" shall be substituted.

3. *Repeal and saving.*—(*1*) The Gangtok Municipal Corporation Amendment) Ordinance, 1984 (Sikkam Ordinance No. 1 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE COINAGE (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President on the 24th May, 1985, and was published in the *Gazette of India, Extraordinary*, Part II, section 1 , No. 1, dated 25th May, 1985.

INDIAN PARLIAMENT ACT No. 33 of 1985.

An Act further to amend the Coinage Act, 1906.

Be it enacted by Parliament in the thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called **the Coinage (Amendment) Act, 1985.**

2. *Amendment of section 6.*—Section 6 of the Coinage Act, 1906 (3 to 1906) shall be re-numbered, as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1), if the Central Government is of opinion that it is necessary or expedient in the public interest so to do, it may authorise the coining, in like manner as is provided in that sub-section, of coins by any person (including the Government of any foreign country), beyond the limits of India and import such coins for issue under its authority under that sub-section.".

THE ANDHRA PRADESH LEGISLATIVE COUNCIL (ABOLITION) ACT, 1985.

The following Act of Parliament received the assent of the President on the 24th May, 1985, and was published in the Gazette of India, Extraordinary, Part II, Section 1, No. 41, dated 25th May, 1985.

INDIAN PARLIMENT ACT No. 34 of 1985.

[24th May, 1985]

An Act to provide for the abolition of the Legislative Council of the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called **the Andhra Pradesh Legislative Council (Abolition) Act, 1985.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(b) "article" means an article of the Constitution;

(c) "Council" means the Legislative Council of the State of Andhra Pradesh;

(d) "law" includes any enactment ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Andhra Pradesh;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Andhra Pradesh.

3. *Abolition of the Council.*—(1) The Legislative Council of the State of Andhra Pradesh is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. *Amendment of Article 168*—In sub-clause (a) of clause (1) of article 168, the words "Andhra Pradesh" shall be omitted.

5. *Amendment of Act 43 of 1950.*—In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 1 relating to Andhra Pradesh shall be omitted;

(b) in the Fourth Schedule, the heading "Andhra Pradesh" and the entiries thereunder shall be omitted

6. *Omission of Section 3 of the Legislative Council Act, 1957*—Section 3 of the Legislative Councils Act, 1957 (37 of 1957), shall be omitted.

7. *Provision as to pending Bills.*—(1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Andhra Pradesh in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments; the Legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. *Power to adapt laws.*—This appropriate Government may, before the expiration of one year from the commencement of this Act, by order, published in the Official Gazette, make such adaptations and modifications of any law made before such commencement whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. *Power to construe laws.*—Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President on the 28th May, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section I, No. 45, dated 29th May, 1985.

INDIAN PARLIAMENT ACT No. 38 OF 1985.

[*28th May, 1985*]

An Act further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title* —This Act may be called **the Monopolies and Restrictive Trade Practices (Amendment) Act, 1985.**

2. *Amendment of Act 54 of 1969.*—In the Monopolies and Restrictive Trade Practices Act, 1969, in section 20, in clause (a), for the words "twenty crores", the words "one hundred crores" shall be substituted.

THE ARMS (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President on the 28th May, 1985 and was published in the *Gazette of India*, (*Ext.*), Part II, Section 1, No. 46, dated 29th May, 1985.

INDIAN PARLIAMENT ACT NO. 39 OF 1985.

An Act further to amend the Arms Act, 1959.

Be it enacted by Parliament in the thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Arms (Amendment) Act, 1985.**

2. *Amendment of section 25 of Act 54 of 1959.*—In section 25 of the Arms Act, 1959,—

(a) in sub-section (1A), for the words "one years, but which may extend to five years", the words "three years, but which may extend to seven years" shall be substituted ;

(b) in sub section (1B), for the words "six months", at both the places where they occur, the words "one year" shall be substituted ;

(c) after sub-section (1B), the following sub-section shall be inserted, namely :—

'(1C) Notwithstanding anything contained in sub-section (1A) whoever commits an offence punishable under that sub-section in any disturbed area shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation.—For the purposes of this sub-section, "disturbed area" means any area declared to be a disturbed area under any enactment, for the time being in force, making provision for the suppression of disorder and restoration and maintenance of public order, and includes any area specified by notification under section 24A or section 24B.'

THE JUDGES (PROTECTION) ACT, 1985

The following Act of Parliament received the assent of the President on the 6th September, 1985, and published in the *Gazette of India, (Ext.)* Part II, Section 1, No 73 dated 9th September, 1985.

INDIAN PARLIAMENT ACT No. 59 OF 1985

[*6th September, 1985*]

An Act for securing additional protection for Judges and other acting judicially and for matters connected therewith.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and extent.*—This Act may be called **the Judges (Protection) Act, 1985.**

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definition.*—In this Act "Judge" means not only every person who is officially designated as a Judge, but also every person—

(a) who is empowered by law to give in any legal proceeding a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or

(b) who is one of a body of persons which body of persons is empowered by law to give such a judgment as is referred to in clause (a).

3. *Additional Protection to Judges.*—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the

provisions of sub-section (2), no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed done spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge.

4. *Saving.*—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force providing for protection of Judges.

THE PUNJAB APPROPRIATION (NO. 3) ACT, 1985

The following Act of Parliament received the assent of the President on 6th August, 1985 and was published in the *Gazette of India,* (*Ext.*), Part II, Section I, No. 54, dated 7th August, 1985.

INDIAN PARLIAMENT ACT NO 41 OF 1985

[*7th August, 1985*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Punjab for the services of the financial year 1985-86.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title* —This Act may be called **the Punjab Appropriation (No. 3) Act, 198.5**

(Text Omitted)

THE APPROPRIATION (NO. 5) ACT, 1985

The following Act of Parliament received the assent of the President on the 19th August, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 55, dated August 19, 1984.

INDIAN PARLIAMENT ACT NO. 42 OF 1985

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of of the financial year 1985-86.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Appropriation (No. 5) Act, 1985.**

(Text omitted)

THE CRIMINAL LAW AMENDMENT (AMENDING ACT. 1985

The following Act of Parliament received the assent of the President on the 21st August, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 57, dated August 22, 1985.

INDIAN PARLIAMENT NO. 44 OF 1985

[*21st August, 1985*]

An Act further to amend the Criminal Law Amendment Act. 1952.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Criminal Law Amendment (Amending) Act, 1985.**

2 *Amendment of section 11.*—In sub-section (1) of section 11 of the Criminal Law Amendment Act, 1952 (46 of 1952), after the words "air force law", the brackets, words and figures "(including the Border Security Force Act, 1968) (47 of 1968)" shall be added.

THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President on the 29th August, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No 59, dated August 29, 1985.

INDIAN PARLIAMENT ACT NO. 46 OF 1985

[29th August, 1985]

An Act to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Terrorist and Disruptive Activities (Prevention) Amendment Act, 1985.**

(2) It shall be deemed to have come into force on the 5th day of June, 1985.

2. *Application to Jummu and Kashmir and amendment of Act 31 of 1985.*—(1) The Terrorist and Disruptive Activities (Prevention) Act, 1985 (hereinafter referred to as the principal Act), to the extent it is not applicable immediately before the commencement of this Act to the State of Jammu and Kashmir, is hereby applied to that State.

(2) In sub-section (2) of section 1 of the principal Act, the proviso shall be omitted.

3- *Repeal and saving.*—(1) The Terrorist and Disruptive Activities (Prevention) Amendment Ordinance. 1985 (4 of 1985), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

THE INDIAN RAILWAYS (AMENDMENT) ACT, 1985

The following Act of Parliament received the assent of the President on the 2nd September, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 60, dated September 3, 1985.

INDIAN PARLIAMENT ACT NO. 47 OF 1985

[*2nd September, 1985*]

An Act further to amend the Indian Railways Act 1890.

Be it enacted by Parliament in the Thirty-sixth Year of the Repuclic of India as follows :—

1. *Short title.*—This Act may be called **the Indian Railways (Amendment Act, 8985.**

2. *Amendment of section 100B of Act 9 of 1890.*—In section 100B of the Indian Railway Act, 1890,—

(i) for the words "five hundred rupees", the words "two thousand rupees" shall be substituted ;

(ii) the following proviso shall be inserted at the end, namely :—

"Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, where a railway servant or any other person without authority in this behalf causes to be obstructed any train by tampering with, disconnecting or otherwise interfering in any other manner with its hose-pipe, he shall be punishable with imprisonment for a term which shall not be less than six months and with fine which shall not be less than five hundred rupees :

Provided further that where a railway servant or any other person without authority in this behalf, obstructs or causes to obstruct any train or rail car carrying passengers or any goods train by squatting, picketing or during a *Rail Roko* agitation or *Bandh* or by alarm chain pulling or tampering with signal gear or otherwise, he shall be punishable with imprisonment for a term which shall not be less than three months (ninety days) or with fine which shall not be less than one thousand rupees."

THE COFFEE (AMENDMENT) ACT, 1985

The following Act of Parliament received the assent of the President on the 2nd September, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 61, dated September 3, 1985,

INDIAN PARLIAMENT ACT NO. 48 OF 1985

[2nd September, 1985]

An Act further to amend the Coffee Act, 1942.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Coffee (Amendment) Act, 1985.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, specify.

2. *Amendment of section 11.*—In the Coffee Act, 1942 (7 of 1942), (hereinafter referred to as the principal Act), in section 11 for the words "eleven rupees and eighty naye paise", the words "fifty rupees" shall be substituted.

3. *Amendment of section 12.*—In section 12 of the principal Act, for the words "eleven rupees and eighty naye paise", the words "fifty rupees" shall be substituted.

4. *Amendment of section 13.*—In section 13 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The provisions of the Customs Act, 1962 (52 of 1962), and the rules and regulations made thereunder, shall as may be, apply in relation to,—

(a) the refund of the duty of customs where coffee is exported and subsequently imported into India; and

(b) the export, without payment of the duty of customs. of coffee which is subsequently to be imported into India.".

5. *Amendment of section 48.*—In section 48 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree im making any modification in the rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

THE ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 1985.

The following Act of Parliament received the assent of the President on the 2nd September, 1985, and was published in the *Gazette of India* (*Ext.*), Part II. Section 1, No. 62, dated September 3, 1985.

INDIAN PARLIAMENT ACT NO. 49 OF 1985.

An Act to amend the Essential Services Maintenance Act, 1981.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called **the Essential Services Maintenance (Amendment) Act, 1985.**

2. *Amendment of section 1 of Act 1981.*—In the Essential Services Maintenance Act, 1981, in sub-section (4) of section 1, for the words "four years", the word "nine years" shall be substituted.

THE AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President on the 2nd September, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 64, dated September 3, 1985.

INDIAN PARLIAMENT ACT NO. 51 OF 1985

An Act to amend the Aurovile (Emergency Provision) Act, 1980.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows;—

1 *Short title.*—This Act may be called **the Auroville (Emergency Provision) Amendment Act, 1985.**

2. *Amendment of section 3.*—In section 3 of the Auroville (Emergency Provisions) Act 1980, (59 of 1980.) in sub-section (1), in the proviso, for the words "five years", the words "seven years,, shall be substituted.

THE ESTATE DUTY (AMENDMENT) ACT, 1985

The following Act of Parliament received the assent of the President on the 2nd September, 1985, and was in the *Gazette of India*, (*Ext.*), Part II, Section 1, No. 65, dated 3rd September, 1985.

INDIAN PARLIAMENT ACT NO. 52 OF 1985

[3rd September, 1958]

An Act further to amend the Estate Duty Act, 1953.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called **the Estate Duty (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 16th day of March, 1985.

2 *Insertion of new section 5C in Act 45 of 1953.*—In this Estate Duty Act, 1853, after section 5B, the following section shall be inserted, namely:—

"5C *Discontinuance of levy of estate duty.*—Notwithstanding anything contained in section 5, this Act shall cease to apply to the levy of estate duty in respect of any property (other than agricultural land) which passes on the death of an person on or after the 16th day of March, 1985."

THE COAL MINES (CONSERVATION AND DEVELOPMENT) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President on the 4th September, 1985, and was published in the *Gazette of India, (Ext)*Part, II, Section 1, No. 68, dated 4th September, 1985.

INDIAN PARLIAMENT ACT NO. 55 OF 1985

[4th September, 1985]

An Act further to amend the Coal Mines (Conservation and Development) Act, 1974.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(2) This Act may be called **the Coal Mines (Conservation and Development) mendment Act, 1985.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*—In section 4 of the Coil Mines (Conservation and Development) Act, 1974 (28 to 1974) (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The Central Government may, if it is satisfied after consideration of all the facts and circumstances that the recovery of the cost of measures, if any, undertaken by it under sub-section (1) or sub-section (2) in relation to a coal mine is justified, recover such cost from the owner, agent or manager of the coal mine, either wholly or party, in the same manner as an arrear of land revenue."

3. *Amendment of section 8.*—Section 8 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Where any duty of excise referred to in sub-section (1) cannot be collected in the manner prescribed under that sub-section, it shall be recovered from the owner of the coal mine in the same manner as an arrear of land revenue."

THE GOVERNMENT SAVINGS LAWS (AMENDMENT) ACT, 1985

The following Act of Parliament received the assent of the President on the 4th September, 1985, and was published in the *Gazette of India*, (*Ext*.), Part II, Section 1, No. 69, dated September 4, 1985.

INDIAN PARLIAMENT ACT NO. 56 OF 1985

An Act further to amend the Government Savings Banks Act, 1873 and the Government Savings Certificates Act, 1959.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title* —This Act may be called **the Government Savings Laws (Amendment) Act, 1985.**

2. *Amendment of Act 5 of 1873*.—In the Government Savings Banks Act, 1873,—

(a) in sub-section (4) of section 4A,—

(i) in clause (a), for the words "five thousand rupees", the words "such limit as may be prescribed" shall be substituted;

(ii) in clause (b), for the words "aforesaid limit of five thousand rupees", the words, brackets and letter "limit prescribed under clause (a)" shall be substituted;

(b) in sub-section (2) of section 15, after clause (h), the following clause shall be inserted namely:—

"(i) the limit under clause (a) of sub-section (4) of section 4A.".

3 *Amendment of Act 46 of 1959*.—In the Government Savings Certificates Act, 1959,—

(a) in sub-section (4) of section 7, for the words "five thousand rupees", the words "such limit as may be prescribed" shall be substituted;

(b) in sub-section (2) of section 12, after clause (i), the following clause shall be inserted, namely:—

"(ia) the limit under sub-section (4) of section 7;".

THE INTELLIGENCE ORGANISATIONS (RESTRICTION OF RIGHTS) ACT. 1985

The following Act of Parliament received the assent of the President on the 6th September, 1985, and was published in the *Gazette of India*, (*Ext*.), Part II, Section 1 No 71, dated 6th September. 1985.

INDIAN PARLIAMENT ACT NO. 58 OF 1985

[*6th September, 1985*]

An Act to provide for the restriction of certain rights conferred by Part III of the Constitution in their application to the members of certain organisations established by the Central Government for purposes of inteligence or counter-inteligence so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called **the Inteligence Organisations (Restriction of Rights)** Act, 1985.

(2) It extends to the whole of India.

(3) it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definations.*—In this Act, unless the context otherwise requires,—

(a) "Inteligence Organisation" means any organisation established by the Central Government for purposes of intelligence or counter intelligence and specified in the Schedule;

(b) "member of an Intelligence Organisation" means any person appointed to, or employed in, any Intelligence Organisation;

(c) "prescribed" means prescribed by rules made under this Act.

3. *Restrictions respecting right to form association, freedom of speech etc.*—(1) No member of an Intelligence Organisation shall,—

(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade union, labour unions or political association; or

(b) be a member of, or be associated in any way with, or raise funds for, or hold office in, or function in any other manner for, any other society, institution, association or organisation that is not recognised by the Central Government as part of the Intelligence Organisation of which he is a member or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or publish or cause to be published any book, letter, pamphlet, poster or other document except with the prior permission of the head of the Intelligence Organisation ; or

(d) except for purposes of official duty, contact, or communicate with any person on any matter relating to functioning, structure, personnel or organisation affairs of the Intelligence Organisation of which he is a member;

(e) use the name of the Intelligence Organisation of which he is a member for purposes not authorised by the head of the Intelligence Organisation or in any other manner except for purposes relating to the official work and functioning of the Organisation itself.

Explanation.—If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No member of an Inteligence Organisation shall be participate in, or address, any meeting or take part in any demonstration organised by any body of a persons for any political purposes or such other purposes as may be prescribed.

4. *Penalty.*—Any person who contravenes any of the provisions of section 3 shall, without prejudice to any other action that may be taken against him, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

5. *Offences to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 to 1974), all offences punishable under section 4 shall be cognizable.

6. *Power to amend Schedule.*—(1) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other organisation established by the Central Government for purposes of inteligence or counter-intelligence or by omitting therefrom any organisation already specified therein and on the publication of the notification, such organisation shall be deemed to be specified in, or, as the case may be, omitted from the Schedule.

(2) A copy of every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each house of Parliament.

7. *Power to make rules*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 2(a) and section 6(1]

1. The Intelligence Bureau.
2. The Research and Analysis Wing.

THE SECURITIES CONTRACTS (REGULATION) AMENDMENT ACT, 1985

The following Act of Parliament received the assent of the President on the 1st June, 1985, and was published in the *Gazette of India* (*Ext.*), Part II, Section 1, No. 48. dated June, 1 1985.

INDIAN PARLIAMENT ACT NO. 40 OF 1985

[1st June, 1985]

An Act further to amend the Securities Contracts (Regulation) Act, 1956.

Be it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Securities Contracts (Ragulation) Amendment Act, 1985**.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Insertion of new section 22A.*—In the Securities Contracts (Regulaion) Act, 1956 (42 of 1956) (hereinafter referred to as the principal Act), after section 22, the following section shall be inserted, namely :—

'22A. *Free transferability and registration of transfers of listed securities of companies.*—(1) In this section, unless the context otherwise requires,—

(a) "company" means a company whose securities are listed on a recognised stock exchange ;

(b) "security" means security of a company, being a security listed on a recognised stock exchange but not being a security which is not fully paid up or on which the company has a lien ;

(c) all other words and expressions used in this section and not defined in this Act but defined in the Companies Act, 1956 (1 of 1956) shall have the same meanings as are assigned to them in that Act.

(2) Subject to the provisions of this section, securities of companies shall be freely transferable

(3) Notwithstanding anything contained in its articles or in section 82 or section 111 of the Companies Act 1956 (1 of 1956), but subject to the other provisions of this section, a company may refuse to register the transfer of any of its securities in the name of the transferee on any one or more of the following grounds and on no other ground, namely :—

(a) that the instrument of transfer is not proper or has not been duly stamped and executed or that the certificate relating to the security has not been delivered to the company or that any other requirement under the law relating to registration of such transfer has not been complied with ;

(b) that the transfer of the security is in contravention of any law ;

(c) that the transfer of the security is likely to result in such change in the composition of the Board of Directors as would be prejudicial to the interests of the company or to the public interest ;

(d) that the transfer of the security is prohibited by any order of any court, tribunal or other authority under any law for the time being in force.

(4) A company shall, before the expiry of two months from the date on which the instrument of transfer of any of its securities is lodged with it for the purposes of registration of such transfer, not only form, in good faith, its opinion as to whether such registration ought not or ought to be refused on any of the grounds mentioned in sub-section (3) but also—

(a) if it has formed the opinion that such registration ought not to be so refused, effect such registration ;

(b) if it has formed the opinion that such registration ought to be refused on the ground mentioned in clause (a) of sub-section (3), intimate the transferor and the transferee by notice in the prescribed form about the requirements under the law which has or which have to be complied with for securing such registration ; and

(c) in any other case, make a reference to the Company Law Board and forward copies of such reference to the transferor and the transferee.

(5) Every reference under clause (c) of sub-section (4), shall be in the prescribed form and contain the prescribed particulars and shall be accompanied by the Instrument of transfer of the securities to which it relates, the documentary evidence, if any. furnished to the company along with the instrument of transfer, and evidence of such other nature and such fees as may be prescribed.

or any instrument having effect by virtue of any enactment other than this Ordinance.

12. *Laying*—Every notification issued under clause (f) of section 5 and every Scheme framed under section 9 shall be laid, as soon as may be after it is made or framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or the Scheme or both Houses agree that the notification or the Scheme should not be made or framed, the notification or the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or Scheme.

ZAIL SINGH,
President.

Published in the *Gazette of India, (Extraordinary).* Part II, Section 1, No 34, dated April 29, 1985.

THE INDUSTRIAL DISPUTES (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1985.

REGULATION NO. 1 OF 1985.

Promulgated by the President in the Thirty-sixth Year of the Republic of India.

A Regulation further to amend the Industrial Disputes Act, 1947, in its application to the Union territory of Andaman and Nicabar Islands.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

1. *Short title, extent and commencement.*—(1) This Regulation may be called the **Industrial Disputes (Andaman and Nicobar Islands Amendment) Regulations, 1985**.

(2) It extends to the whole of the Union territory of Andaman and Nicobar Islands.

(3) It shall come into force at once.

2. *Amendment of section 7,*—In the Industrial Disputes Act, 1947, (14 of 1947), in its application to the Union territory of the Andaman and Nicobar Islands (hereinafter referred to as the principal Act), for clause (b) of sub-section (3) of section 7, the following clause shall be substituted, namely:—

"(b) he is, or has been, or is qualified to be, a District Judg or an Additional District Judge; or"

Published in *the Gazette of India, Extraordinary,* Part II, Section 1,No. 35, dated 29th April, 1985.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (CIVIL COURTS) AMENDMENT REGULATION, 1985

REGULATION No. 2 OF 1985

Promulgated by the President in the Thirty-sixth Year of the

Republic of India.

A Regulation further to amend the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1985.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) *Short title and commencement.*—This Regulation may be called **the Laccadive, Minicoy and Amindivi Islands (Civil Court) Amendment Regulation, 1985.**

(2) It shall come into force at once.

2. *Amendment of section 14.*—In the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1965, in clause (a) of sub-section (1) of section 14, for the words "five thousand rupees", the words "fifteen thousand rupees" shall be substituted.

ZAIL SINGH,
President.

THE PUNJAB AGRICULTURE PRODUCE MARKETS (AMENDMENT) ACT, 1985

The following President's Act was published in the *Gazette of India*, (*Ext.*) Part II, Section 1, No. 50, dated 11th June, 1985

PRESIDENT'S ACT No. 1 OF 1985

Enacted by the President in the Thirty-sixth Year of the Republic of India.

An Act further to amend the Punjab Agricultural Produde Markets Act, 1961.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1984 (36 of 1984), the President is leased to enact as follow:—

1 *Short title.*—This Act may be called **the Punjub Agriculture Produce Markets (Amendment) Act, 1985.**

2. *Amenement of section 12-D of Punjab Act 23 of 1961.*—In the Punjab Agricultural Produde Markets Act, 1961, in section 12-D, in sub-section (3), for the words "three years" the words "three years and six months" shall be substituted.

ZAIL SINGH,
President.

THE CODE OF CRIMINAL PROCEDURE (PUNJAB AMENDMENT) AMENDING ACT, 1985

The following President's Act was published in the *Gazette of India*, (*Ext.*) Part II, Section 1, No. 51, dated 27th June, 1985.

PRESIDENT'S ACT No. 2 OF 1985

Enacted by the President in the Thirty-sixth Year of the Republic of India.

An Act further to amend the Code of Criminal Procedure (Punjab Amendment) Act, 1983.

In the exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of powers) Act, 1984 (36 to 1984), the President is pleased to enact as follows:—

1. (*1*) *Short title and commencement.*—This Act may be called **the Criminal Procedure (Punjab Amendment) Amending Act, 1985.**

(*2*) It shall come into force at once.

2. *Amendment of Punjab Act 22 of 1983.*—In the Code of Criminal Procedure (Punjab Amendment) Act, 1983, in sub-section (3) of section 1. for the words "two years" the words "three years" shall be substituted.

ZAIL SINGH
President.

THE PUNJAB MUNICIPAL (AMENDMENT) ACT, 1985

The following President's Act was published in the *Gazette of India*, (*Ext.*), Part II, Section 1, No. 52, dated 28th June, 1985.

PRESIDENT'S ACT NO. 3 OF 1984.

Enacted by the President in the Thirty-sixth Year of the Republic of India.

An Act further to amend the Punjab Municipal Act, 1911

In exercise of the powers cenferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1984 (36 of 1984), the President is pleased to enact as follows:—

1. *Short title.*—This Act may be called **the Punjab Municipal (Amend-Act, 1985**.

2. *Amendment of section 13 of Punjab Act III of 1911.*—In the Punjab Municipal Act, 1911, in section 13,—

(i) in the proviso to sub-section (2), in clause (i), for the words "one year", the words "two years" shall be substituted ; and

(ii) after sub-section (2B), the following sub section shall be inserted, namely: –

"(3) Where in the opinion of the State Government elections to a committee cannot be held before the expiry of the term specified or extended, as the case may be, under sub-section (2), the State Government may, by notification, declare that all members of such committee shall, on and from the date of expiry of the term so specified or so extended, cease to hold office and notwithstanding anything contained in section 238, the committee shall, on and from that date, stand superseded and the provisions of sub-section (4) of the section 238 shall as far as may be, apply to such supersession:

Provide that the period of supersession shall not exceed two rears".

ZAIL SINGH,
President.

THE GURU NANAK DEV UNIVERSITY AMRITSAR (AMENDMENT) ACT. 1985

The following President's Act was published in the *Gazette of India*, *(Ext.)*, Part II, Section. 1. No. 53, dated July 12, 1985.

PRESIDENT'S ACT NO. 4 OF 1985

Enacted by the President in the Thirty-sixth Year of the Republic of India.

An Act further to amend the Guru Nanak Dev University Amritsar Act, 1969.

In exercise of the powers conferred by section 3 of the Punjab State Legislature (Delegation of Powers) Act, 1984 (36 of 1984), the President is pleased to enact as follows:—

1. *Short title.*—This Act may be called **the Guru Nanak Dev University Amritsar (Amendment) Act, 1985**.

2. *Amendment of section 10.*—In the Guru Nanak Dev University Act, 1969 (Punjab Act 21 of 1969) (hereinafter referred to as the principal Act), in section 10, after sub-section (3), the following sub-sections shall be inserted and shall be deemed to have been inserted with effect from the 21st day of November, 1984, namely:—

"(4) In the event of the occurrence of any vacancy in the office of the Vice-Chanceller by reason of his death, resignation, expiration of his term or otherwise, the Chancellor may appoint any person to act as the Vice-Chancellor for a period not exceeding one year or until a new Vice-Chancellor appointed under sub-section (1) enters upon his office, whichever is earlier.

(4A) The Chancellor shall determine the amount of remuneration or allowances and other conditions of service of the person appointed under sub-section (4).".

3. *Validation,*—Anything done or any action taken (including the the appointment of any person and anything done or action taken by such person) or purported to have been done or taken under or for the purposes of the principal Act on or after the 21st day of November, 1984 and before the commencement of this Act shall be deemed to have been validly done or taken in accordance with law as if the provisions of the principal Act as amended by section 2 had been in force at all material times.

ZAIL SINGH,
President.

Published in the *Gazette of Indian*, (*Ext.*), Part II, Section 1,
No. 16, dated 8th March, 1985.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ORDINANCE, 1985.

ORDINANCE No. 2 OF 1985.

Promulgated by the President in the Thirty-sixth Year of the Republic of India.

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement* —(1) This Ordinance may be called

the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1985.

(2) It shall come into force at once.

2. *Amendment of section 6.*—In section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) (hereinafter referred to as the principle Act), in sub-section (1A), for the words "fifteen years", wherever they occur, the words "seventeen years" shall be substituted.

3. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2A), in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely :—

"(ii) secondly with effect from the date of expiry of five years, and thirdly with effect from the date of expiry of ten year, from the date on which the revision under sub-clause (i) takes effects."

ZAIL SINGH,
President.

Published in the *Gazette of India*, (*Ext*). Part II, Section 1,
No. 49, dated 5th June, 1985.

THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ORDINANCE, 1985.

ORDINANCE No. 4 OF 1985.

Promulgated by the President in the Thirty-sixth Year of the Republic of India.

An Ordinance to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985.

Whereas Parliament is not session and the President is satisfied that circumstances exist which render it necessary for him to take immdiate action ;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short tile and commencement.*—(1) This Ordinance may be called **the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985.**

(2) It shall come into force at once.

2. *Application to Jammu and Kashmir and amendment of Act 31 of 1985.*—(1) The Terrorist and Disruptive Activities (Prevention) Act, 1985 (hereinafter referred to as the principal Act), to the extent it is not applicable immediately before the commencement of this Ordinance to the State of Jammu and Kashmir, is hereby applied to that State.

(2) In sub-section (2) of section 1 of the principal Act, the proviso shall be omitted.

ZAIL SINGH,
President.

Published in the *Gazette of India*, (*Ext.*), Part II, Section 1,
No. 72, dated 8th September, 1985.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE 1985.

ORDINANCE No. 5 OF 1985.

Promulgated by the President in the Thirty-sixth Year of the Republic of ndia.

An Ordinance further to amend the Representation of the People Act, 1951.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action :

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the **Representation of the People (Amendment) Ordinance, 1985.**

(2) It shall come into force at once

2. *Amendment of section 52 of Act 43 of 1951.*—In the Representation of the People Act, 1951, in section 52,—

(a) for the words "a candidate whose nomination has been found valid"; the words ' a candidate who has been set up by a recognised political party and whose nomination has been found valid" shall be substituted ;

(b) for the words "if a contesting candidate dies", the words "if a contesting candidate who has been set up by a recognised political party dies" shall be substituted ; and

(c) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the purposes of this section, a candidate shall be deemed to have been set up by a recognised political party if, and only if, he is deemed under the Election Symbols (Reservation and Allotment) Order, 1968 to have been so set up, and the provisions of that Order as in force immediately before the commencement of the Representation of the People (Amendment) Ordinance, 1985 shall be read as one with this section."

ZAIL SINGH,
President.

Published in the *Gazette of India, (Ext.)*, Part II, Section 1, No, 32, dated April 8, 1985.

THE TEA COMPANIES (ACQUISITION AND TRANSFER OF SICK TEA UNITS) ORDINANCE, 1985

ORDNANCE NO. S OF 1985

Promulgated by the President in the Thirty-sixth Year of the Republic of India.

(Text omitten)

THE END

showing payment of the registration fee.

5. *Form of Registration Certificate and its issue.*—The certificate of registration to be issued under sub section (2) of section 6 shall be in Form L. T. 2, and it shall be issued within a period of 60 days from the date of application.

6. *Cancellation of registration certificate.*—The assessing authority concerned may cancel a registration certificate, if, after giving the holder of the certificate a reasonable opportunity of being heard, he is satisfied that such holder has obtained it by fraud or that he is no more liable to pay tax under this Act

7. *Duplicate on loss of registration certificate.*—If a registration certificate is lost or misplaced or accidentally destroyed, a duplicate may be issued by the assessing authority concerned, on a application accompanied by a receipt for the payment of a fee of rupees ten in this behalf

8. *Registration certificate is not transferable.*—A registration certificate shall not be transferable and when the holder of a certificate is succeeded by another person for any reason, a new registration certificate shall be applied for by such successor within ninety days of succession.

9. *Land covered by registration certificate.*—(1) Subject to the provisions of sub-rule (2), a registration certificate shall cover only one land mentioned therein.

(2) Where a land holder has more than one land for the purpose of sub-clause (1) of clause (a) of section 2, the registration certificate shall be issued for the principal land as shown by the land holder, and for each such other land a certified a copy of the registration certificate shall be obtained by the land holder on payment of a fee of rupees ten for each copy of Registration. The assessing authority shall while issuing certified copy mention therein the full identity and address of such other land as also in the original certificate, and in case such other land is outside his jurisdiction, shall intimate within 15 days of the issue of such certified copy full particulars thereof to the assessing authority having jurisdiction. Such certified copy shall be valid as a registration certificate in respect of the land mentioned therein so long as the original certificate is valid.

10. *Registration certificate to be keep open for inspection.*—The holder of a registration certificate shall keep in open for inspection in his office where his accounts are maintained for the purpose of section 18 and 20.

CHAPTER III

Exemptions

11. *Separate accounts of Exempted Lands.*—Wherever any land is exempted from tax under section 4, the land holder shall maintain separate necessary accounts in respect of such land for the purpose of the Act, if he has any other land not so exempted.

CHAPTER IV

Appointment of officers and their jurisdictions etc.

12. *Assignment of functions to officers.*—Subject to the provisions of the Act and these Rules, the Director may, for the purpose of enforcing the provisions of the Act and these Rules and subject to any orders or directions etc issued by the Government in this behalf from time to time under section 24 or other provisions of the Act, by order distribute or assign any functions of the assessing authority or appellate authority under the

Act, in respect of such class of persons or class of lands or such areas as may be specified, to any officers working under the Government.

13. *Decision of question about jurisdiction*—If any question or doubt arises in respect of the area or jurisdiction, territorial or otherwise, of any authority or officer functioning under the Act or these Rules, it may be decided by an order by the Director, whose decision shall be final, and meanwhile no proceedings under the Act shall be stayed on such account, except by an order by the Government or the Director.

CHAPTER V

Returns, Statements and other informations

14. *Form and Period etc. of returns*—The returns referred to in sub-section (1) of section 7 shall be filed in Form L. T.3-A, 3-B, 3-C or 3-D, as the case may, as to the land or lands held or used for the purposes of sub-clauses (i), (ii), (iii) and (iv) of clause (a) of section 2 respectively. Such returns shall be signed by the land holder himself or his agent and shall be verified in the manner indicated therein, and may be presented personally or sent by registered post.

(2) The returns shall be filed for each of the quarters ending with the last day of the months of June, September, December and March of every year if the year of the land holder ends on the 31st day of March, and in other cases, for each of the quarters by the year of his accounts, and shall be filed within 30 days after the end of the quarter to which it relates :

Provided that where a land held or used for any of the purposes of the Act, is transferred or ceases to be so held or used, the land holder shall, within a period of thirty days of such transfer or cessation, furnish a return for the period related to the quarter concerned.

15. *Cognizance of return without receipt.*—If a return is not accompanied by a receipt for the payment of tax paid as required under sub-section (2) of section 7, the assessing authority shall not be bound to take cognizance of such return for the purpose of the land holder's obligation to furnish the return under the said section.

16. *Other information required by assessing authority.*—The assessing authority may for purposes of the Act, including sections 8, 9 and 18, call for any factual statement or information regarding any land or annual value, etc. from the land holder, who shall comply with the same in the manner as laid down and within the time allowed by the assessing authority.

CHAPTER VI

Notice of Demand

17. *Notice of Demand on assessment of Tax.*—As soon as an assessment of tax has been completed under section 8, 9 or 12, the assessing authority shall serve a notice of demand for payment in Form L.T.4 on the land holder, along with a certified copy of the assessment order. requiring him to pay the tax so assessed, within the prescribed time for the Act.

18. *Notice of Demand for dues other than tax.*—A notice of demand for payment in respect of fees, penalty, interest or other dues issued by the concerned authority may be in Form L.T.4 with such variations as may be required in the circumstances of each case.

CHAPTER VII

Appeal and Revision and their effects

19. *Memorandum of appeal.*—The memorandum of appeal under section 14 shall be in Form L.T. 5 and shall be substituted in duplicate.

20. *Contents of memorandum of appeal.*—The memorandum of appeal shall specify all the particulars given in the prescribed form and shall be signed and verified by the appellant or by his agent and shall be accompanied by a certified copy of the order sought to be challenged.

21. *Presentation of appeal.*—The memorandum of appeal shall be presented by the appellant or his pleader or his agent to the appellate authority or such member of his staff as such authority may appoint in that behalf, or may be sent by registered post addressed to such authority.

22. *Calling for records and comments.*—The appellate authority shall send a copy of the memorandum of appeal to the assessing authority concerned asking him to send the record of the order appealed against together with his comments, if any.

23. *Notice of hearing.*—The appellate authority shall give notice of the date fixed for hearing to the appellant and to the assessing authority concerned. Such notice may be delivered personally or by registered post.

24. *Dismissal for default.*—(1) Where the appellant does not appear on the date fixed for hearing, the appellate authority may dismiss the appeal in default.

(2) An appeal dismissed under the above sub-rule shall be restored if the appellant makes an application for that purpose within 30 days of the date of dismissal and satisfies such authority that the appellant was prevented by sufficient cause from appearing on the date fixed for hearing; and such restoration may be unconditional or on such conditions as such authority may deem reasonable in the circumstances of each case, including conditions as to the payment of costs to the state.

25. *Communication of appellate order.*—A copy of every order of the appellate authority disposing of an appeal shall be sent to the appellant and to the assessing authority concerned, either by personal delivery or by registered post.

26. *Application for revision.*—An application for revision under section 15 shall be in Form L T. 6 and shall be verified.

27. *Other provisions regarding revision.*—The provisions of rules 20 to 25 shall apply in respect of application for revision, procedure for revision and other matters connected therewith in the same manner as they apply to appeals with such modifications as may be necsssary.

28. *Effect of appellate or revision orders and refunds.*—(1) If an order passed in appeal or revision has the effect of varying any order of the assessing authority, the assessing authority shall take action to implement the order, and in particular, shall under section 17 refund the excess, or realise the deficit, as the case may be. Such excess shall be refunded forthwith in the manner laid down in sub-rule (2).

(2) If the assessing authority is satisfied that the payment made by a land holder is in excess of the tax due, he shall pass an order for refund of the excess amount and shall issue a refund order in Form L. T. 7 together with an advice to the Treasury Officer or Sub-Treasury Officer or

Manager of the Bank, as the case may be, in Form L. T. 7-A.

(3) If any amount is recoverable from a land holder then instead of the refund order for the amount refundable under sub-rule (2) the assessing authority shall issue refund adjustment order in Form L. T. 8 for necessary amount.

CHAPTER VIII

Accounts by Land holders.

29. *Preservation of accounts.*—All accounts kept under the Act by a land holder shall be preserved with reasonable care for a period of at least 6 years after the close of the year of such accounts. Accounts pertaining to any litigation shall be preserved till that becomes final.

CHAPTER IX

Mode of payment, recovery of tax etc. and accounts in Government Department and their verification.

30. *Mode of payment of tax. etc.*—All payment of tax, interest, penalty or fees, unless expressly provided otherwise in the Act or these rules, shall be made into the concerned treasury by means of a challan in Form L T. 9 or through a demand draft or crossed cheque in favour of the assessing authority concerned drawn on State Bank of India or any of its subsidiary banks.

31. *Issue of receipts.*—The officer-in-charge of the treasury in which any amount is paid by means of a challan under rule 30 shall issue a receipt in duplicate to the person paying the amount and forward to the authority concerned the part of the challan in Form L T. 9 marked "original" within 7 days of the payment. The person making the payment, receiving the receipt in duplicate as aforesaid, may retain one copy of the receipt with himself and shall use its other copy (the portion marked for that purpose) for attaching to the return or other document to be submitted to the authority concerned, as the case may be.

32. *Verification of accounts.*—(1) In the first week of each month, the tax authority concerned shall prepare a statement in Form L. T. 10 and shall forward it to the Treasury Officer for verification.

(2) If any discrepancy is discovered by the Treasury Officer at the time of verification, he shall inform the tax authority concerned, who shall send the necessary records to the Treasury Officer for reconciliation of accounts.

33. *Furnishing of security for stay under section 25.*—In accordance with section 25, every land holder who is required to furnish security shall furnish a bond executed by himself in Form L. T. 11 with two sureties acceptable to the assessing authority for the amount the recovery of which has been stayed by the Director, and each of the sureties shall excute a bond in said Form. In the alternative the land holder may deposite Savings Certificates issued by the Government of India of face value not less than the amount as aforesaid, duly endorsed in favour of the assessing authority, or a bank guarantee for the said amount.

CHAPTER X

Notice etc. and their Service.

34. *Form of Notice, mode of service etc.*—The notice required to be given to the assessing authority under sub-section (1) of the section 13

of the Act shall be in Form L T. 13 and that under sub-section (2) of the Act shall be in Form L. T. 14.

(2) The notice under sub-section (1) of the section 13 of the Act shall be signed by the land holder himself or his agent, and that under sub-section (2) of the section 13 of the Act shall be signed by the legal representatives of the deceased, and such notices may be presented personally or sent by registered post.

(3) Every summon, notice or direction issued under the Act or these rules for the production of any document, appearance of any person or showing cause shall be in Form L. T. 12.

(4) The service of any notice, summons, or order under the Act or these rules may be effected in any of the following ways, namely :—

(a) by giving or tendering the copy thereof to the person addressed or his manager or agent; or

(b) if such person or his manager or agent cannot easily be found, by leaving a copy thereof at his last known place of office or residence, or by giving or tendering it to some adult male member of his family ; or

(c) if the address of such person is known to the tax authority concerned, by sending a copy thereof to him by registered post; or

(d) if none of the modes aforesaid is practicable, by affixation of a copy thereof in some conspicuous place at his last known place of office or residence.

CHAPTER XI

Miscellaneous

35. *Who can represent.*—No person shall appear before any tax authority in any proceeding under the Act as an agent of any other person, unless he is,—

(a) an advocate duly registered under the Advocates Act; or

(b) a friend or relative of the land holder, making such appearance without charging any remuneration therefor; or

(c) a person holding a general or special power of attorney executed by the land holder; or

(d) an officer duly authorised by the Director by a general or special order in this behalf

36. *Court fees.*—Court fee stamps of the value indicated below shall be affixed on all documents in respect of appeals, revisions and other proceedings under the Act or these rules:—

Sl. No.	Nature of Document	Value of Court fee stamps
1	2	3
1.	Memo of appeal under section 14	Rs. Twenty five.
2.	Application for revision under section 15	Rs. Twenty five.
3.	Vakalatnama by an Advocate, or authority by a friend or relative of the land holder, When filed before-	

1	2	3
	(a) an appellate authority or an assessing authority.	Rupee One
	(b) the Board of Revenue	Rupees Two
4.	Application for adjournment of any proceedings	Rupee One
5.	Application for obtaining copies	Rupee One
6.	Copy of any order or document	For every page Rupee One.
7.	Copying fees for urgent copies	Double the fee payable at S. No. 6 above.
8.	Application for inspection of files	Rupee One for every one hour or less of inspection.
9.	Urgent application for inspection	Double of the fee payable at Serial No. 8 above.
10.	Any other document not covered by 1 to 8 above	Rupee One.

Explanation.—No fee shall be chargeable when a document is filed by or on behalf of any assessing authority.

37. *Survey or re-survey of lands.*—(1) The survey or re-survey of the lands to be carried out under section 21 shall be conducted, as far as may be, at least once in each financial year.

(2) Such survey shall be conducted under the directions and guidelines issued in this behalf from time to time by the Director, who shall recommend to the state government the officer or officers, and the area or areas, for special authorisation for survey of lands under the said section.

38 *Power to take evidence on oath, etc*—The assessing authority, the Appellate authority, and the Board of Revenue shall, for thepurposes of the Act and these Rules, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit, in respect of the following matters, namely :—

(a) enforcing the attendance of any person and examining him on oath or affirmation ;

(b) compelling the production of documents ;

(c) issuing commission for examination of witnesses ;

and any proceeding before the Board of Revenue, the appellate authority and the assessing authority shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (XLV of 1860).

39. *Power to break open door, etc.*—Any officer specially authorised under section 20 (2) and the assessing authority shall, for the purposes of section 20, have power to break open any box or receptacle in which any books of accounts or records of a land holder liable to pay tax under the Act may be contained or to break open the door of any premises where any such books of accounts or records may be kept or to place marks of identification on his books of accounts or records or to make or cause to be made extracts or copies thereof :

Provided that the power to break open the door shall be exercised only after owner or any other person in occupation of the premises, if he is present therein fails or refuses to open the door on being called upon to do so.

40. *Role of Police*—The authorities empowered by or under section 20 may, if necessary for the purposes of the said section, request in writing for the help of the local police and the police authorities shall render such assistance as may be necessary to enable the said authorities to exercise the powers conferred on them under the Act or these Rules.

FORM L. T. 1 to FORM L. T. 14.

(omitted)

Published in the *Rajasthan Gazette*, (*Ext.*), Part 4(Kha), dated 23rd September, 1985.

THE RAJASTHAN DACOITY AFFECTED AREAS ORDINANCE, 1985.

RAJASTHAN ORDINANCE NO. 7 OF 1985

An Ordinance to make provisions for specifying certain offences in the dacoity affected areas of Rajasthan in order to curb effectively the commission of scheduled offences and to make provisions for speedy trial and punishment thereof and for the attachment of properties acquired through the commission of such offences and for matters connected therewith or incidental thereto.

Whereas for curbing effectively the menace of organised and unorganised gangs of dacoits, it is essential to break the chain of vested interests assisting, or associated with, such gangs and to control them effectively ;

And whereas it is essential to provide for more stringent punishments for certain scheduled offences in the areas affected by frequent dacoities ;

And whereas huge properties are being held through the commission of scheduled offences in the names of relatives, associates and confidants of the dacoits and it is necessary to provide for attachment and confiscation of such properties ;

And whereas the Rajasthan Legislative Assembly is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action ;

And whereas the previous instructions of the President have been obtained for the provisions requiring it ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is hereby pleased to promulgate in the Thirty-sixth Year of the Republic of India, the following Ordinance, namely :—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Ordinance may by called **the Rajasthan Dacoity Affected Areas Ordinance, 1985.**

(2) It shall come into force at once.

2. *Definitions.*—(1) In this Ordinance, unless the context otherwise requires,—

(a) "Code" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(b) "dacoity affected area" means an area declared by the State Governmant as a dacoity affected area under section 3;

(c) "scheduled offence" in relation to a dacoity affected area, means an offence specified in the schedule appended to this Ordinance, including an offence forming part of, arising out of, or connected with the commission of, dacoity;

(d) "scheduled offender", in relation to a dacoity-affected area, means a person who commits or has committed or is a person accused of the commission of any scheduled offence;

(e) "Special Court" means a Special Court constituted under section 6; and

(f) "Special Judge" means a Judge appointed under sub-section (2) of section 6 to preside over a Special Court.

(2) Words and expressions used but not defined in this Ordinance and defined in the Code shall have the meaning respectively assigned to them in the Code or, as the case may be, in the Indian Penal Code, 1860 (Central Act XLV of 1860).

CHAPTER II

Dacoity affected area and constitution of Special Courts.

3. *Declaration of dacoity affected area.*—If on receiving the report of a police officer or any other information in report of the incidence of scheduled offence in a district or districts or a part or parts thereof, the State Government considers that a situation has arisen in which the area covered by such district or districts or a part or parts thereof should be declared to be a dacoity affected area for the purposes of this Ordinance, the State Government may, by notification, declare such area to be a dacoity affected area.

4. *Person assisting the police to be public servant.*—(1) A person, who assists the police in giving information or is engaged in assisting the Police by giving information relating to the commission of a scheduled offence or is assisting in the investigation of such offence, shall, for the purposes of this Ordinance, be deemed to be a public servant within the meaning of section 21 of the India penal Code, 1860 (Central Act XIV of 1960).

(2) A certificate issued by the Superintendent of Police to the effect that the person mentioned therein is a person who is engaged in assisting the Police for the purposes specified in sub-section (1) shall be conclusive proof of the facts stated therein.

5. *Regulation of grant of bail.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused or convicted of a scheduled offence shall, if in a custody, be released on bail or on his own bond unless,—

(a) the prosecution has been given opportunity to oppose the application for bail; and

(b) where the prosecution opposes the application for bail, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence :

the Official Gazette, direct the said person to appear before such officer, at such place and within such period as may by specified in the order

(b) Where such person fails to comply with such order, then unless he proves that it was not possible for him to comply therewith, and that he had, within the period specified in the order, informed the officer mentioned in the order of the reasons which rendered compliance therewith impossible and of his whereabouts, or proves that it was not possible for him to so inform the officer mentioned in the order, he shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

(c) Notwithstanding anything contained in the said Code, every offence under clause (b) shall be cognizable.

9. *Grounds of order of detention to be disclosed to detenu.*—(1) When a person is detained in pursuance of a detention order the authority making the order shall. as soon as may be, but not latter than seven days from the date of detention, communicate to him the grounds on which the order has been made and shall offord him the earliest opportunity of making a representation against the order to the State Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

10. *Constitution of Advisory Boards.*—(1) The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purposes of this Act.

(2) Every such Board shall consist of a Chairman who is or has been a Judge of a High Court and two other members who are or have been District Judges qualified under the Constitution to be appointed as Judges of a High Court.

11 *Reference to Advisory Board.*—In every case where a detention order has been made under this Act the State Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 10 the grounds on which the order has been made and the representation, if any, made by the person affected by the order, and where the order has been made by an authorised officer, also the report made by such officer under sub-section (3) of section 3.

12. *Procedure of Advisory Board.*—(1) The Advisory Board shall, after considering the meterials placed before it and, after calling for such further information as it may deem necessary from the State Government or from any person called for the purpose through the State Government or from the detenu and if, in any particular case, the Advisory Board considers it essential so to do or if the detenu desires to be heard, after hearing the detenu in person, submit its report to the State Government, within seven weeks from the date of detention of the detenu.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the detenu

(3) When there is a difference of opinion among the members forming the Advisory Board the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) The proceedings of the Advisory Board and its report excepting that part of the report in which the opinion of the Advisory Board is specified shall be confidential.

(5) Nothing in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board.

13. *Action upon report of Advisory Board.*—(1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of the detenu, the State Government may confirm the detention order and continue the detention of the detenu for a period, not exceedings the maximum period prescribed by section 14 as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion no sufficient cause for the detention of the person concerned, the State Government shall revoke the detention order and cause the detenu to be released forthwith.

14. *Maximum period of detention.*—The maximum period for which any person may be detained in pursuance of any detention order made under this Act which has been confirmed under section 13, shall be one year from the date of detention.

15. *Revocation of detention orders.*—(1) Without prejudice to the provisions of section 21 of the Bombay General Clauses Act, 1904 (Bom. I of 1904), a detention order may, at any time for reasons to be recorded in writing, be revoked or modified by the State Government, notwithstanding that the order has been made by an authorised officer.

(2) The expiry or revocation of a detention order (hereinafter in this sub-section referred to as "the earlier detention order" shall not bar the making of another detention order (hereinafter in this sub-section referred to as "the subsequent detention order") under section 3 against the same person :

Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall in no case extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order.

16 *Temporary release of persons detained.*—(1) The State Government may, at any time, for reasons to be recorded in writing, direct that any person detained in pursuance of a detention order may be released for any specified period, either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any detenu under sub-section (1), the State Government may require him to enter into a bond with or without sureties, for the due observance of the conditions specified in the direction.

(3) Any detenu released under sub-section (1), shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any detenu fails without sufficient cause to to surrender him-

self in the manner specified in sub-section (3), he shall on conviction, be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any detenu released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof

17. *Protection of action taken in good faith.*—No suit, prosecution. or other legal proceeding shall lie against the State Government or any officer or person, for anything in good faith done or intended to be done in pursuance of this Act.

18. *Matters within the purview of this Act to be dealt with under this Act only.*—On and after the commencement of this Act, no order of detention under the National Security Act, 1980 (65 of 1980) shall be made by the State Government or any officer subordinate to it, in respect of any boot-legger, drug offender, dangerous person, immoral, traffic offender, or property - grabber in the State on the ground of preventing him from acting in any manner prejudicial to the maintenance of public order, in so far as an order under this Act, could be made for detention of such person.

19. *Rapeal and saving.*—(1) The Gujarat Prevention of Anti-social Activities Ordinance, 1985 (Guj. Ord. 11 of 1985) is hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act;

(b) every person in respect of whom an order of detention has been made under section 3 of the said Ordinance by reason of his being a dangerous person and is in force immediately before the date on which the assent to this Act of the President is first published in the Official Gazette, (hereinafter referred to as "the said date"), shall, notwithstanding that his detention has been rendered inconsistent with section 3 of this Act, continue to be under detention subject to the provisions of this Act;

(c) (i) an Advisory Board constituted under section 10 of the said Ordinance and functioning immediately before the said date shall, notwithstanding that its constitution has been rendered inconsistent with the provisions of section 10 of this Act, continue to so function after the said date subject to the provisions of this Act:

(ii) any reference made under section 11 of the said Ordinance and pending before such Advisory Board immediately before the said date may continue to be dealt with by that Board after that date as if such Board had beed constituted under section 10 of this Act.

THE BOMBAY LAND REQUISITION (GUJARAT AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the President on the 31st July, 1985, was published in the *Gujarat Govt. Gazette* (*Ext.*), Part IV, dated August 1, 1985.

GUJARAT ACT NO. 13 OF 1985

An Act. further to amend the Bombay Land Requisition Act, 1948.

It is hereby enacted in the Thirty-sixth Year of the Republic of India, as follows :—

1. *Short title and commencement* —(1) This Act may be called **the Bombay Land Requisition (Gujarat Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 1st August, 1985.

2. *Insertion of new section 8AA in Bom. XXXIII of 1948.*—In the Bombay Land Requisition Act, 1948 (Bom. XXXIII of 1948) (hereinafter referred to as "the principal Act"), after section 8, the following section shall be inserted, namely :—

"8-AA. *Revision of amount of compensation.*—(1) (a) In a case where any land which has been subject to requisition under this Act for a period of five years or a longer period immediately preceding the commencement of the Bombay Land Requisition (Gujarat Amendment) Act, 1985 (Guj. 13 of 1985), the amount of compensation determined under section 8 shall, in respect of such land be revised with effect from the date of such commencement.

(b) In a case where any land which has been subject to requisition under this Act immediately before such commencement for a period shorter than five years and the maximum period within which such land shall, in accordance with the provisions of sub-section (1-A) of section 9, be released from such requisition, extends beyond five years from such commencement, the amount of compensation determined in respect of such land under section 8 shall be revised with effect from the date of expiry of five years from the date on which possession of such land had been surrendered or delivered to or taken by the State Government or any officer authorised or empowered by the State Government.

(2) The provisions of section 8 and section 8-A-1 shall, so far as may be, apply to revision of the amount of compensation under this section as they apply to the determination of the amount of compensation under section 8 as if such land had been requisitioned or continued to be subject to requisition, under this Act on the date with effect from which the revision has to be made under sub-section (1).",

3. *Amendment of section 9 of Bom. XXXIII of 1948:*—In the principal Act, in section 9, in sub-section (1A), for the words "five years" where they occur at two places, the words "seven years" shall be substituted.

THE GUJARAT STATE TAX ON PROFESSIONS TRADES, CALLINGS AND EMPLOYMENTS (AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 1st August, 1985 was published in the *Gujarat Govt. Gazette, (Ext.)*, Part IV, dated August 2, 1985.

GUJARAT ACT NO. 15 OF 1985

An Act further to amend the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called **the Gujarat State Tax on Professions, Trades, Callings and Employments (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 1st April, 1985.

2 *Amendment of Schedule I of President's Act No. 11 of 1976.*—In the Gujarat State Tax on Professions, Trades, Callings and Employments Act, 1976 (Presi. Act No. 11 of 1976), in Schedule, I,—

(1) for entry 2, the following entry shall be snbstituted, namely :—

"2. (a) Legal practitioners including solicitors and notaries public.

(b) Medical practitioners including medical consultants and dentists.

(c) Technical and professional Consultants, including Architects, Engineers, RCC Consultants, Tax Consultants, Chartered Accountants, Actuaries and Management Consultants.

(d) Chief Agents, Principal Agents, Special Agents Insurance Agents and Surveyors of Loss Assessors, registered or licensed under the Insurance Act, 1938 (4 of 1938).

(e) Plumbers—

where the standing in the profession or calling of any of the persons mentioned above in a specified area is—

(i) upto five years	Nil
(ii) more than five years but not more than ten year	Rs, 150/- every year
(iii) more than ten years	Rs. 250/- every year

Explanation I.—For the purpose of determining the standing in the profession or calling or any person mentioned in the this entry in any specified area the previous standing of such person in any other area in the State shall be taken into account.

Explanation II.—For the purposes of this entry "specified area" means—

(a) a city,

(b) (i) a municipal borough, or

(ii) a local area

the population of which as ascertained in the last preceding census is more than 25,000 ;

(c) (i) a district headquarter or

(ii) a taluka headquarter

irrespective of its population

Explanation-III.—In Explanation II—

(a) the expression "local area" means—

(i) a notified area as constituted from time to time or deemed to be constituted under the Gujarat Municipalities Act. 1963 (Guj 34 of 1963).

(ii) a cantonment as declared from time to time under the Cantonments Act, 1924 (11 of 1924) ;

(b) the expression "district headquarter" means a city, town or village where the office of a Collector who exercises throughout the district all the powers and discharges all the duties conferred and imposed on a Collector under the Bombay Land Revenue Code, 1879, (Bom I of 1879) is situate ;

(c) the expression "taluka headquarter" means a city, town or village where the office of the Mamlatdar entrusted with the local revenue jurisdiction of a taluka. is situate ;

(2) Nothing in this entry shall apply to a person whose annual income exclusively earned out of the profession or calling or both of them in the year immediately preceding does not exceed Rs. 10,000.";

(2) for entry 5, the following entry shall be substituted, namely :—

"5. Employers of establishments as defined in the Bombay Shops and Establishments Act, 1948 (Bom. XXXIX of 1948) (not being dealers covered by entry 6), where on an average employees employed in the establishment during a year are more than five per day,—
if the establishment is situated in—

(i) any City.. Rs 250/- every year.

(ii) a municipal borough, the population of which as ascertained at the last preceding census is more than 1,00,000 and in the area adjoining such municipal borough to the extent of 3 kilometres from its limits.. Rs. 200/- every year

(iii) a specified area.. Rs 150/- every year

Explanation I.—For the purposes of item (iii) of this entry and item (iii) of entry 8, "specified area" means—

(a) (i) a municipal borough, or
(ii) a local area

the population of which as ascertained in the last preceding census is more than 25,000 but not more than 1,00,000 ;

(b) (i) a district headquarter or
(ii) a taluka headquarter

not falling under either a City referred to in item (i) or a municipal borough referred to in item (ii) of this entry and entry 8 ;

Explanation II.—In Explanation-I—

(a) the expression "local area" means—

(i) a notified area as constituted from time to time or deemed to be constituted under the Gujarat Municipalities Act, 1963, (Guj. 34 of 1963).

(ii) a cantonment as declared from time to time under the Cantonments Act, 1925 (11 of 1924) ;

(b) the expression "district headquarter" means a city, town or village where the office of a Collector who exercises throughout the district all the powers and discharges all the duties conferred and imposed on a Collector under the Bombay Land Revenue Code, 1879 (Bom. 1 of 1879), is situate.

(c) the expression "taluka headquarter" means a city, town or village where the office of the Mamlatdar entrusted with the local revenue jurisdiction of a taluka, is situate." ;

(3) for entry 8, the following entry shall be substituted, namely :—

"8. Money-lenders licensed under the Bombay Money-landers Act, 1946 (Bom. XXXI of 1947)—

(i) in a city.. Rs. 250/- every year

(ii) in a municipal borough, the population of which as ascertained at the last preceding census is more than 1,00,000 and in the area adjoining such municipal borough to the extent of 3 kilometres from its limits.. Rs. 200/- every year

(iii) in a specified area.. Rs. 150/- every year".

THE GUJARAT STATE GUARANTEES (AMENDMENT) ACT, 1985

The following Act of the Gujarat Legislature having been assented to by the Governor on the 2nd August. 1985 was published in the *Gujarat Government Gazette*, (*Ext.*), Part IV, dated 2nd August, 1985.

GUJARAT ACT No. 18 OF 1985.

An Act further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title* —This Act may be called **the Gujarat State Guarantees (Amendment) Act, 1985**.

2. *Amendment of section 2 of Guj. XXII of 1963.*—In the Gujarat State Guarantees Act, 1963 (Guj. XXII of 1963), in section 2, in sub-section (1), for the letters and figures "Rs. 25,00,00,00,000", the letters and figures "Rs. 35,00,00,00,000" shall be substituted.

THE GUJARAT SALES TAX (AMENDMENT) ACT 1985.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 1st August, 1985 was published in the *Gujarat Govt. Gazette*, (*Ext.*), Part IV, dated 2nd August, 1985

GUJARAT ACT NO 14 OF 1985.

An Act further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Gujarat Sales Tax (Amendment) Act, 1985.**

(2) It shall come into force on such date as the State Government, may by notification in the Official Gazette, appoint

2. *Amendment of section 2 of Guj. 1 of 1970.*—In the Gujarat Sales Tax Act, 1969 (Guj. I of 1970) (hereinafter referred to as "the principal Act"), in section 2,—

(1) in clause (4), the words "but does not include any activity in the nature of mere service or profession" shall be deleted ;

(2) in clause (10), for the portion beginning with the word "dealer" and ending with the words "or to other persons", the following portion shall be substituted ,namely :—

" 'dealer' means any person who buys or sells goods in connection with his business, and includes,—

(a) the Central Government,

(b) a State Government,

(c) any local authority,

(d) any society, club or other association of persons which buys goods from or sells goods to its members or to other persons,

(e) any person who transfers, otherwise than in pursuance of a contract, property in any goods for each, deferred payment or other valuable consideration,

(f) any person who transfers property in goods (whether as goods or in some other form) involved in the execution of a works contract,

(g) any person who delivers goods on hire-purchase or any system of payment by instalments,

(h) any person who transfers the right to use any goods for any purpose (whether or not for a specified period) for each, deferred payment or other valuable consideration,

(i) any unincorporated association or body of persons which supplies goods to a member thereof for cash, deferred payment or other valuable consideration,

(j) any person who supplies, by way of or as part of any service or in any other manner whatsoever, goods beings food or any other article for human consumption or any drink (whether or not intoxicating) where such supply or service is for each, deferred payment or other valuable consideration";

(3) after clause (10), the following clause shall be inserted, namely :—

"(10-A) 'designated day' means the date of the comming into force of the Gujarat Sales Tax (Amendment) Act, 1985";

(4) for clause (19), the following clause shall be substituted, namety:—

"(19) 'place of business' means any place where a dealer carries on business and includes a warehouse, godown or other place where a dealer stores his goods and any place where he keeps his books of accounts";

( ) in clause (22), for the words "when such cost is separately charged", the following shall be substituted, namely :—

"when such cost is separately charged and includes,—

(a) in relation to,—

(i) the transfer, otherwise than in pursuance of a contract, of property in any goods,

(ii) the supply of goods by any unincorporated association or body of persons to a member thereof,

(iii) the supply by wav of or as part of any service or in any other manner whatsoever, of goods being food or any other article for human consumption or any drink (whether or not intoxicating),

the amount of cash, deferred payment or other valuable consideration paid or payable therefor ;

(b) in relation to the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract, such amount as is arrived at by deducting from the amount of valuable consideration paid or payable by a person for the execution of such works contract the amount representing labour charges for such execution ;

(c) in relation to the delivery of goods on hire purchase or any system of payment by instalments, the amount of valuable consideration payable by a person for such delivery";

(6) for clause (28), the following clause shall be substituted, namely:—

"(28) 'sale' means a sale of goods made within the State for cash or deferred payment or other valuable consideration and includes,—

(a) any suppy by a society or club or an association to its members on payment of a price or of fees or subscription,

(b) transfer, otherwise than in pursuance of a contract, of property in any goods for cash, deferred payment or other valuable consideration, following points :

(a) whether the claimant-alienee proved that any rights to mines and minerals in any land had accrued to him and were subsisting at the date of commencement of this Act, notwithstanding the provisions of any law for the time being in force ;

(b) the area of the land under which there is a mine and what minerals are found therein ;

(c) the area of the land under which there is a working mine and what minerals are found therein ;

(d) the amount, if any, payable to the claimant in accordance with the provisions of this Act ;

(e) where there is a co-sharer, how the amount may be apportioned between the claimant and the co-sharer.

(2) Notwithstanding anything contained in any law for the time being in force, the onus of proving before the Competent Authority—

(a) that the sub-soil rights in any land had accrued to the claimant under any sanad, etc., and the rights continued to subsist at the commencement of this Act, notwithstanding the provisions of any law for the time being in force ; and

(b) that any mines or minerals are found or are being worked in any land or part thereof ;

shall be on the claimant.

7. *Appeal against Competent Authority's award.*—An appeal shall lie against the award of the Competent Authority to the Maharashtra Revenue Tribunal established under Chapter XV of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), notwithstanding anything contained in that Code.

8. *Procedure before Maharashtra Revenue Tribunal.*—(1) The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act, the Maharashtra Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows, in deciding an appeal from a decree or order of an original Court under the Code of Civil Procedure, 1908 (V of 1908).

9. *Limitation.*—Every appeal made under this Act to the Maharashtra Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Competent Authority. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (XXXVI of 1963), shall apply to the filing of such appeal.

10. *Court-fees.*—Notwithstanding anything contained in the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), every appeal made under this Act to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

11. *Finality of award and decision of Revenue Tribunal.*—An award made by the Competent Authority, subject to an appeal to the Maharashtra Revenue Tribunal, and the decision of the Maharashtra Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceedings in any Court.

12. *Inquiries and procedings to be judicial proceedings.*—All inquiries and proceedings before the Competent Authority and the Maharashtra Revenue Tribunal, under this Act shall be deemed to be judicial proceeding within the meaning of section 193, 219 and 228 of the Indian Penal Code. (XLV of 1860)

13. *Power to make rules.*—(1) The State Government may, by notification in the Official Grzette, make rules for the purposes of giving effect to the provision of this Act, including provisions for imposition of fees for the purposes of this Act.

(2) All rules made under this section shall be subject to the condition of previous publication.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days, which may be comprised in one session or in to successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette the rule shall, from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of any thing previously done or omitted to be done under that rule.

14. *Amendment of section 48 of Mah. XLI of 1966.*—In the Maharashtra Land Revenue Code, 1966, (Maharashtra XLI of 1966) in section 48 sub-section (1):—

(a) for the words "Unless it is otherwise expressly provided by the terms of the grant made by the State Government, the right to all minerals" the words "The right to all minerals" shall be substituted ;

(b) the proviso shall be deleted.

15. *Repeal of certain enactments.*—On and from the date of commencement of this Act, section 9 of the Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953), section 10 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom XXX-IX of 1954), section 13 of the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955 (Bom. XXII of 1955), and section 9 of the Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969 (Mah. XLIV of 1969), and corresponding provision in any such law for the time being in force, shall stand repealed.

16. *Power to remove difficulty.*—If any difficulty arises in giving effect to the provisions of this Act, the State Covernment may, as occassion arises, by order do anything, not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

THE MAHARASHTRA (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the Governor, on the 12th August, 1985, was published in the *Maharashtra Govt. Gazette* (*Ext.*), Part IV, dated 13th August, 1985.

MAHARASHTRA ACT NO. XVII OF 1985

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of March 1986.

Whereas by virtue of article 204 of the Constitution of India, read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the apbropriation of further sums from and out of the Consolidated Fund of the State for the services of the year ending on the thirty-first day of march 1986 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short-title.*—This Act may be called **the Maharashtra (Second Supplementry) Appropriation Act, 1985.**

(Text omitted)

THE MAHARASHTRA SALES TAX ON THE TRANSFER OF THE RIGHT TO USE ANY GOODS FOR ANY PURPOSE ACT, 1985

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 12th August 1985, was published in the *Maharashtra Govt Gazette Ext.*, Part IV, dated 14th August 1985.

MAHARASTRA ACT NO. XVIII OF 1985

An Act to levy and collect the tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration in the State of Maharashtra.

Whereas it is expedient to levy and collect the tax on the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration in the State of Maharashtra ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follow :—

CHAPTER I

Prliminary

1. *Short title, extent and commencement.*—This Act may be called **the Maharashtra Sales Tax on the Transfer of the Right to use any Goods for any purpose Act, 1985.**

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Goverument may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "appointed day" means the date of commencement of this Act ;

(2) "Bombay Sales Tax Act" means the Bombay Sales Tax Act, 1959 ; (Bom. LI of 1959).

(3) "Commissioner" means the person appointed to be the Commis-

sioner of Sales Tax under the Bombay Sales Tax Act ;

(4) "dealer" means any person who whether for commission, remuneration or otherwise transfers the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration ; and includes the State Government or the Central Government which so transfers the right to use such goods and also any society, club or association of persons which so transfers the right to use such goods to its members.

Explanation.—In respect of the transfer of the right to use cinematographic films or video casettes, the person who transfers such right to the exhibitor or user and from whom exhibitor or user derives the right to make such use shall be deemed to be the dealer under this clause ;

(5) "goods" means all kinds of moveable property (not being newspapers, or actionable claims or money, or stocks, shares or securities) ;

(6) "person" includes any company or body of individuals, whether incorporated or not, and also a Hindu undivided family, a firm and a local authority ;

(7) "prescribed" means prescribed by rules ;

(8) "registered dealer" means a dealer registered under section 7 ;

(9) "rules" means rules made under this Act ;

(10) "sale" means the transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or any other valuable consideration, and the word "sell" with all its grammatical variations and cognate expressions, shall be constructed accordingly.

Explanation.—For the purposes of this clause, the transfer of the right to use any such goods shall be deemed to have taken place in the State of Maharashtra, irrespective of the place where the agreement for such transfer of the right to use such goods is made, and whether the assent of the party is prior or subsequent to such transfer of the right to use any such goods ;

(11) "sale price" means the amount of valuable consideration received or receivable for the transfer of the right to use any goods for any purpose (whether or not for a specified period) ;

(12) "Schedule" means the Schedule appended to this Act ;

(13) "State" means the State of Maharashtra ;

(14) "tax" means a tax payable under this Act ;

(15) "turnover of sales" means the aggregate of the amounts of sale price received or receivable during a year by a dealer in respect of the transfer of the right to use any goods, and includes any advance received by a dealer as a part of sale price ;

(16) "year",—

(a) means the financial year ;

(b) in relation to any particular registered dealer for the purposes of this Act (except sections 5 and 7) means the year by reference to which the accounts of that dealer are ordinarily maintained in his books, but the dealer may by written declaration made by him in this behalf opt for the financial year :

Provided that, where an option has once been exercised by a registered dealer, he shall not, except with the consent of the Commissioner and upon such conditions as the Commissioner may determine, make any variation in respect thereof.

CHAPTER II

Incidence and Levy of Tax

3. *Incidence of tax*.—Subject to the provisions contained in this Act and the rules made thereunder a tax shall be leviable on the turnover of sales in respect of—

(i) the transfer of the right to use any goods agreed to before the appointed day but the right to use is exercised on or after the appointed day;

(ii) the transfer of right to use any goods agreed to prior to the appointed day, and wherein the right to use has been continued after the appointed day, to the extent of the sale price received or receivable in respect of such use on or after the appointed day ; and

(iii) the transfer of right to use any goods agreed to on or after the appointed day.

4. *Levy of Tax*.—There shall be levied a tax on the turnover of sales in respect of the transfer of the right to use goods specified in the Schedule, at such rate not exceeding fifteen paise in the rupee, as the State Govern-may may, by notification in the *Official Gazette*, specify from time to time.

5. *Liability of dealer*.—(1) Every dealer whose turnover of all sales made during—

(i) the year ending on the 31st day of March, 1985,

(ii) the year commencing on the 1st day of April, 1985,

has exceeded or exceeds the limit of fifty thousand rupees shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act on the turnover of sales on or after the appointed day :

Provided that, a dealer to whom clause (ii) applies and whose turnover of all sales exceeds the limit of fifty thousand rupees after the appointed day shall not be liable to pay tax in respect of sales which take place upto the time when his turnover of sales as computed from the 1st day of April 1985 first exceeds such limit.

(2) Every dealer whose turnover of sales during any year commencing on the 1st day of April, being a year subsequent to the years mentioned in sub-section (1) first exceeds the limits of rupees fifty thousand shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect from the said date :

Provided that, a dealer shall not be liable to pay tax in respect of such of the sales as take place during the period commencing on the 1st day of April of the said year upto the time when his turnover of sales as computed from the 1st day of April of the said year first exceeds the limit of rupees fifty thousand.

(3) Every dealer who becomes liable to pay tax under this Act shall continue to be so liable until his registration certificate is duly cancelled and upon such cancellation his liability to pay tax other than tax already levied or leviable shall until his turnover of sales again first exceeds the limit of rupees fifty thousand, cease :

Provided that, where the dealer becomes liable to pay tax again in the same year in which he ceased to be liable as aforesaid, then in respect of sales which take place during the period commencing on the date of cessation of liability to tax and ending on the day on which his turnover of sales first exceeds such limit, no tax shall be payable.

6. *Sales tax payable by dealer.*—Subject to the provisions of this Act and the rules made thereunder, there shall be paid by every dealer who is liable to pay tax under this Act, the tax leviable in accordance with section 4 on the turnover of sales in respect of the transfer of the right to use goods specified in the Schedule.

CHAPTER III

Registration

7. *Certificate of Registration.*—(1) No dealer who becomes liable to pay tax under this Act shall sell any goods unless he possesses a valid certificate of registration as provided by this Act :

Provided that it shall be lawful for the dealer to sell or continue to sell any goods if the dealer has applied for such registration within the prescribed time.

(2) Every dealer required to possess a certificate of registration shall apply in such manner, and to such authority, as may be prescribed.

(3) If the authority, after such inquiry as it deems fit, is satisfied that an application for registration is in order, it shall register the applicant and issue to him a certificate of registration in the prescribed form.

(4) The authority may, after considering any information furnished or otherwise called for or received under any provisions of this Act, amend from time to time the certificate of registration.

(5) If any person upon an application made by him has been registered as a dealer under this section, and thereafter it is found that he ought not to have been so registered under the provisions of this section, he shall be liable to pay tax on his sales made from the date on which his registration certificate took effect until it is cancelled notwithstanding that he may not be liable to pay tax under section 5.

(6) Where a registered dealer discontinues sales, or the turnover of sales of a registered dealer has during any year not exceeded the limit of fifty thousand rupees and the dealer applies in the prescribed manner for cancellation of his registration certificate, the prescribed authority shall cancel the registration with effect from such date as it may fix in accordance with the rules.

(7) Where the Commissioner is satisfied that any registered dealer has discontinued sale and has failed to apply under sub-section (6) for cancellation of registration certificate, the Commissioner may after giving the dealer a reasonable opportunity of being heard, cancel the registration with effect from such date as he may fix to be the date from which the registered dealer has discontinued sale :

Provided that, the cancellation of certificate of registration on an application of the dealer or otherwise shall not affect the liability of the dealer to pay tax (including any penalty) due for any period upto the date of cancellation whether such tax (including any penalty) is assessed before or after the date of cancellation.

CHAPTER IV

Certain Provisions of the Bombay Sales Tax Act Applicable

8. *Authorities under Bombay Sales Tax Act empowered to assess, re-*

assess, etc tax under this Act.—(1) Subject to the other provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the Bombay Sales Tax Act shall assess' re-assess, collect and enforce payment of tax including any penalty payable by a dealer under this Act as if the tax or penalty payable by such a dealer under this Act is a tax or penalty payable under the Bombay Sales Tax Act and for this purpose they may exercise all or any of the powers they have under the Bombay Sales Tax Act, and the provisions of the Bombay Sales Tax Act relating to returns, assessment, advance payment of tax, rectification, collection, forfeiture, registration of the transferee of any dealer liable to pay tax under this Act, imposition of the tax liability of a dealer on the transferee of, or successor to, such dealer, transfer of liability of any firm or Hindu undivided family to pay tax in the event of the dissolution of such firm or partition of such family, special mode of recovery of tax, appeals, revisions, references, refunds, rebates, panalties, charging or payment of interest, compounding of offences, and the treatment of documents furnished by a dealer as confidential, shall, *mutatis mutanais,* apply accordingly.

(2) All the provisions relating to offences and penalties (including provisions relating to penalties in lieu of prosecution for an offence or in addition to the penalties or punishment for an offence) of the Bombay Sales Tax Act shall mutatis matandis apply in relation to the assessment, re-assessment, collection and the enforcement of payment of the tax required to be collected under this Act or in relation to any process connected with such assessment, re-assessment, collection or enforcement of payment as if the tax payable under this Act were the tax payable under the Bombay Sales Tax Act.

CHAPTER V

Misellaneous and Rules

9. *Power of State Government to amend Schedule.*—The State Government may, from time to time, by notification in the Official Gazette, amend the Schedute by inserting any entry in respect of the transfer of right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration, and thereupon the Schedule shall stand amended accordingly for the purpose of levy of tax under this Act.

10. *Power to make rules.*—(1) The State Government may make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power to make rules under sub-section (1) the rules may provide for—

(a) the time within which a dealer shall apply for registration under sub-section (1) of section 7;

(b) the manner in which and the authority to whom an application for registration certificate shall be made under sub-section (2) of section 7;

(c) the form of certificate of registration to be issued under sub-section (3) of section 7;

(d) the manner in which an application shall be made for cancellation of registration certificate under sub-section (6) of section 7; and the authority who shall cancel such registration certificate;

(e) any other matter which is required to be or may be prescribed.

(3) In making any rules the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees and when the offence is a continuing one with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(4) Rules made under this section shall be subject to the condition of previous publication :

Provided that, if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(5) Every rule made under this section shall be laid as soon as may be after it is made before each House of State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modiacation in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE

[See sections 2(12), 4, 6 and 9]

Serial No.	Description
1	The transfer of the right to use cinematographic films or video casettes.
2.	The transfer of the right to use television sets, video cassette recorders, video cassette players or projectors.
3	The transfer of the right to use plant, machiney, equipment including office equipment, computors, instruments or appliances.
4	The transfer of the right to use air-conditioning equipment, air-conditioners, deep freezers, cold storage plants, humidification plants or dehumifiers.
5.	The transfer of the right to use vehicles, such as trucks, tractors buses, mini-buses, jeeps, cars or three-wheelers.
6	The transfer of the right to use aircraft, ships, boats or vessels.

THE MAHARASHTRA SALES TAX ON THE TRANSFER OF PROPERTY IN GOODS INVOLVED IN THE EXECUTION OF WORKS CONTRACTS ACT, 1985.

The following Act of the Maharashtra Legislature, having been assented to by the Governor on the 12th August 1985, was published in the *Maharashtra Govt Gazette*, Part IV, dated August 12, 1985.

MAHARASHTRA ACT NO. XIX OF 1985.

An Act to levy and collect the tax on the transfer of property in goods (whether as goods or in some other form) involved in the execution of works contracts in the State of Maharashtra.

Whereas it is expedient to levy and collect the tax on the transfer of property in goods (whether as goods or in some other form) involved in the execution of works contracts in the State of Maharashtra ; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called **the Maharashtra Sales Tax on the transfer of property in goods involved in the execution of Works Contracts Act, 1985.**

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "appointed day" means the date of commencement of this Act ;

(2) "Bombay Sales Tax Act" means the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) ;

(3) "Commissioner" means the person appointed to be the Commissioner of Sales Tax under the Bombay Sales Tax Act ;

(4) "dealer" means any person who, whether for valuable consideration, commission, remuneration or otherwise, transfers Property in goods involved in the execution of works contract and includes the State Government and the Central Government which so transfer such property in goods, and any society, club, or association of persons which so transfers the property in goods to its members ;

(5) "goods" means every kind of property (whether as goods or in some other form) involved in the execution of a works contract ;

(6) "person" includes any company or body of individuals whether incorporated or not and also a Hindu undivided family, a firm and a local authority ;

(7) "prescribed" means as prescribed by rules ;

(8) "Registered dealer" means a dealer registered under section 7 ;

(9) "rules" means rules made under this Act ;

(10) "sale" means a transfer of property in goods involved in the execution of works contract, for cash, deferred payment or any other valuable consideration ; and the word "sell" with all its grammatical variations and cognate expressions, shall be construed accordingly.

Explanation.—For the purposes of this clause, the transfer of property in goods involved in the execution of a works contract shall be deemed to have taken place in the State of Maharashtra, if the goods so transferred are within that State, at the time of their use, application or appropriation for the execution of the works contract, irrespective of the place where the agreement for works contract is made, and whether the consent of the other party, is prior or subsepuent to such use, application or appropriation ;

(11) "sale price" means the amount of valuable consideration received or receivable for the transfer of property in goods involved in the execution of a works contract;

(12) "Schedule" means the Schedule appended to this Act;

(13) 'State" means the State of Maharashtra;

(14) "Tax" means a tax payable under this Act;

(15) "turnover of sales" means the aggregate of the amounts of sale price received or receivable by a dealer in respect of any transfer of goods involved in the execution of any works contract, whether executed fully or partly during a given year, and includes any advance received by a dealer as a part of sale price;

(16) "works contract" means a contract for carrying out any of the works specified in the Schedule and includes a contract or sub-contract whether executed fully or partly or abandoned or terminated before completion, and also includes a sub-contract for any such works;

(17) "year",—

(a) means the financial year;

(b) in relation to any particular registered dealer for the purposes of this Act (except section 5 and 7) means the year by reference to which the accounts of that dealer are ordinarily maintained in his books, but the dealer may by written declaration made by him in this behalf opt for the financial year:

Provided that, where an option has once been exercised by a registered dealer, he shall not, except with the consent of the Commissioner and upon such conditions as the Commissioner may determine, make any variation in respect thereof.

CHAPTER II

Incidence And Levy of Tax

3. *Incidence of Tax.*—Subject to the provisions contained in this Act, a tax shall be leviable on the turnover of sales in respect of—

(i) works contract commenced for execution on or after the appointed day, whether such contract was entered into prior to the appointed day or on or after the appointed day;

(ii) works contract execution of which as commenced prior to the appointed day, to the extent of the sale price received or receivable in respect of such contract on or after the appointed day, irrespective of the extent of work already carried out prior to the appointed day.

4. *Levy of Tax.*—There shall be levied a tax on the turnover of sales in respect of the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract at such rate not exceeding fifteen paise in the rupee as the State Government may, by notification in the *Official Gazette*, specify from time to time, after dnducting from such turnover, the turnover of sales of a dealer registered under this Act, in respect of sub-contract executed separately for work which forms part of works contract:

Provided that, no such deduction shall be allowed unless the dealer claiming the deduction produces a bill or cash memorundum of the sub-contractor containing a certificate that his registration certificate was in force on the date of the sale of goods by him. Such certificate shall be signed by the dealer who is the sub-contractor or a person duly authorised by him in this behalf :

Provided further that, where the turnover of the dealer claiming deduction in any year is not sufficient to cover the deduction, it shall be allowed to the extent of the turnover of the dealer in that year, and the balance shall be carried forward to the following year.

Explanation.—For the purpose of this section, the deduction shall be computed separately in relation to each work contract.

5. *Liability of dealer*.—(1) Every dealer whose turnover of all sales made during—

(i) the year ending on the 31st day of March, 1985,

(ii) the year commencing on the 1st day of April, 1985,

has exceeded or exceeds the limit of fifty thousand rupees shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act on the turnover of sales on or after the appointed day :

Provided that, a dealer to whom clause (ii) applies and whose turnover of all sales exceeds the limit of fifty thousand rupees after the appointed day shall not be liable to pay tax in respect of sales which take place upto the time when his turnover of sales as computed from the 1st day of April 1985 first exceeds such limit.

(2) Every dealer whose turnover of sales during any year commencing on the 1st day of April, being a year subsequent to the years mentioned in sub-section (1) first exceeds the limits of rupees fifty thousand shall, until such liability ceases under sub-section (3), be liable to pay tax under this Act with effect from the said date :

Provided that, a dealer shall not be liable to pay tax in respect of such of the sales as take place during the period commencing on the 1st day of April of the said year upto the time when his turnover of sales as computed from the 1st day of April of the said year first exceeds the limit of rupees fifty thousand

(3) Every dealer who becomes liable to pay tax under this Act shall continue to be so liable until his registration certificate is duly cancelled and upon such cancellation his liability to pay tax other than tax already levied or leviable shall until his turnover of sales again first exceeds the limit of rupees fifty thousand, cease :

Provided that, where the dealer becomes liable to pay tax again in the same year in which he ceased to be liable as aforesaid, then in respect of sales which take place during the period commencing on the date of cessation of liability to tax and ending on the day on which his turnover of sales first exceeds such limit, no tax shall be payable.

6. *Sales tax payable by dealer*.—Subject to the provisions of this Act and the rules made thereunder, there shall be paid by every dealer who is liable to pay tax under this Act, the tax leviable in accordance with section 4 on the turnover of sales in respect of the transfer of the right to use goods specified in the Schedule.

CHAPTER III

Registration

7. *Certificate of Registration*.—(1) No dealer who becomes liable to pay tax under this Act shall sell any goods unless he possesses a valid

certificate of registration as provided by this Act :

Provided that it shall be lawful for the dealer to sell or continue to sell any goods if the dealer has applied for such registration within the prescribed time.

(2) Every dealer required to possess a certificate of registration shall apply in such manner, and to such authority, as may be prescribed.

(3) If the authority, after such inquiry as it deems fit, is satisfied that an application for registration is in order, it shall register the applicant and issue to him a certificate of registration in the prescribed form.

(4) The authority may, after considering any information furnished or otherwise called for or received under any provisions of this Act, amend from time to time the certificate of registration.

(5) If any person upon an application made by him has been registered as a dealer under this sectio n, and thereafter it is found that he ought not to have been so registered under the provisions of this section, he shall be liable to pay tax on his sales made from the date on which his registration certificate took effect until it is cancelled notwithstanding that hemay not be liable to pay tax under section 5.

(6) Where a registered dealer discontinues sales, or the turnover of sales of a registered dealer has during any year not exceeded the limit of fifty thousand rupees and the dealer applies in the prescribed manner for cancellation of his registration certificate, the prescribed authority shall cancel the registration with effect from such date as it may fix in accordance with the rules.

(7) Where the Commissioner is satisfied that any registered dealer has discontinued sale and has failed to apply under sub-section (6) for cancellation of registration certificate, the Commissioner may after giving the dealer a reasonable opportunity of being heard, cancel the registration with effect from such date as he may fix to be the date from which the registered dealer has discontinued sale :

Provided that, the cancellation of certificate of registration on an application of the dealer or otherwise shall not affect the liability of the dealer to pay tax (including any penalty) due for any period upto the date of cancellation whether such tax (including any penalty) is assessed before or after the date of cancellation.

CHAPTER IV

Certain Provisions of the Bombay Sales Tax Act Applicable

8. *Authorities under Bombay Sales Tax Act empowered to assess, re-assess, etc tax under this Act.*—(1) Subject to the other provisions of this Act and the rules made thereunder, the authorities for the time being empowered to assess, re-assess, collect and enforce payment of any tax under the Bombay Sales Tax Act shall assess' re-assess, collect and enforce payment of tax including any penalty payable by a dealer under this Act as if the tax or penalty payable by such a dealer under this Act is a tax or penalty payable under the Bombay Sales Tax Act and for this purpose they may exercise all or any of the powers they have under the Bombay Sales Tax Act, and the provisions of the Bombay Sales Tax Act relating to returns, assessment, advance payment of tax, rectification, collection, forfeiture, registration of the transferee of any dealer liable to pay tax under

3. Sums payable by an order under section 94.	By the Certificate Officer as a publice demand upon requisition by the co-operative society or the Registrar or by and Civil Court having jurisdiction in the same manner as a decree of such court upon application by the co-operative society.
4. Sums payable by an award under section 96	... Ditto
5. Sums assessed by a liquidator as contributions under section 99.	By the Certificate Officer as a public demand upon requisition by the liquidator.
6. Dues payable by a member or his surety or successor of a deceased member under section 128.	By the certificate Officer as a public demand upon requisition by the Registrar or by any person authorised by him or by the co-operative society.
7. Sums payable by an officer (including a former officer) of co-operative society under section 129.	By the Certificate Officer as a public demand upon requisition by the Registrar.
8. Sums payable under section 130 by a person for certain contravention of the provisions of this Act or the rules or the bylaws.	Ditto.
9. Expenses incurred and the sum payable under section 131.	Ditto,
10. Sums due under any rule made under this Act.	In the prescribed manner.

THIRD SCHEDULE

Appeals

(*See* section 136)

Serial No.	Appeal lies against	By whom appeal may be preferred	Authority to whom appeal shall lie.	Period of limitation
1	2	3	4	5
1.	A final order of division or transfer of assets and liabilities of a co-operative society under section 19.	Any member of the co-operative society.	To the Co-operative Tribunal having jurisdiction.	Two months from the date on which the order is communicated.
2.	A final order of amalgamation or reorganisation of co-operative societies under section 20.	Ditto.	Ditto.	Ditto.
3.	An order for dissolution of	Any director of the board.	Ditto.	Ditto.

1	2	3	4	5
	a board of directors or disqualification of directors thereof under section 29.			
4.	An order dissolving a board and appointing administrator under section 30.	Ditto.	Ditto.	Ditto.
5.	An entry in or ommission from the statement prepared for levy of water rate or embankment protection rate under section 56.	Any person aggrieved.	To the Collector.	One month from the date of publication of the statement.
6.	Assessment of water rate or embankment protection rate under section 56.	Any person aggrieved.	To the Registrar.	One month from the date of assessment.
7.	Any refusal by a co-operative society to admit an applicant as member under sub-section (4) of section 70.	Any applicant aggrieved.	Ditto.	Such period as may be prescribed
8.	An order for apportionment of cost under section 94.	Any person aggrieved.	To the State Government.	One month from the date on which the order is communicated.
9.	An order of the Registrar in an appeal under sub-section (9) of section 85.	The appellant.	To the Co-operative Tribunal.	Within 90 days from the date of order or from the date on which the appellant gets knowledge of the order whichever is earlier.

Serial No.	Appeal lies against	By whom appeal may be preferred
1	2	3
10	A decision or order of a co-operative society on an application under section 89.	Any applicant aggrieved.
11	An order, decision on award under section 96.	Any person aggrieved.
12	An award under section 38 ..	Any person aggrieved
13	An order for winding up of a co-operative society under section 99	Any member of the co-operative society
14	An order, decision or award of a liquidator under section 101	By the person aggrieved
15	An order under section 129 for payment of compensatihn or restoration of property	Any person aggrieved
16	An order under section 130 for payment by way of penalty	Ditto
17	An order under section 131 for payment of fine	Ditto
18	Any other order or decision declared by rules as appealable	Any person declared by rules to be competent

	Authority to whom appeal shall lie	Period of limitation
	4	5
10.	To the Tribunal.	Within 90 days (1) from the date on which the decision or order is communicated to the applicant or, (2) if the decision or order is not so communicated, from the date on which the applicant gets knowledge of the decision or order, or (3) from the date on which the period of one month under section 89 expires if no decision is taken or any order is passed on the application.
11.	To the Co-operative Tribunal having jurisdiction.	One month from the date on which the order, decision or award is communicated.
12.	To the Co-operative Tribunal having jurisdiction	One month from the date on which the award is communicated.
13.	Ditto	To months from the date on which the order is communicated.

	4	5
14.	To the Registrar	Two months from the date on which the order, decision or award is communicated.
15.	To the Co-operative Tribunal having jurisdiction	Two months from the date on which the order is communicated.
16.	To the Co-operative Tribunal having jurisdiction.	Two months from the date on which the order is communicated.
17.	Ditto	Ditto
18.	To be prescribed authority	Such period as may be prescribed.

FOURTH SCHEDULE

Offensies and penalties

(*See* section 138)

Sl No. 1	Offence 2	Personliable 3	Penalty 4
1	Unauthorised use of the word "co-operative" or its equivalent in conravention of section 6	Any company, co-operative society or person	Fine which may extend to fifty rupees and in the case of a continuing offence a further fine of five rupees for each day for so long as it continues after conviction.
2	Wilfully making false return or furnishing false information required to be made or furnished under this Act or the rules	Any person making such return or furnishing such information	Imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both.
3	Transfer of any property without previous permission of a co-operative society on which it holds a first charge under sec. 51	Person by whom or on whose behalf the property is transferred	Fine which may extend to the value of the property or five hundred rupees which is more.
4	Transfer of any property on which a charge has been created under clause (a) of section 52 in contravention of clause (c) of that section	Ditto	Ditto
5	Failure to make deduction and payment under section 58 in satisfaction of debt due to a co-operative society from a member	The employer of the member	Imprisonment for a term which may extend to six months or fine which may extend to one thousand rupees or both and in the case of a continuing offence a further fine

1	2	3	4
			which may extend to one hundred rupees for each day for so long as it continues after conviction.
6	Wilful neglect or refusal to comply with any lawful order or direction given by the Registrar or the State Government under this Act.	Any person so neglecting or refusing	Imprisonment for a term which may extend to six months or fine which may extend to five hundred rupees or both
7.	Wilful neglect or refusal to do any act, make any return or furnish any information required to be done, made or furnished under this Act or the rules	Ditto	Imprisonment for a term which may extend to three months or fine which may extend to five hundred rupees or both and in the case of a continuing offence a further fine of fifty rupees for each day for so long as it continues after conviction.
8	Any act or omission declared by the rules to be an offence	The person committing the act or omission	Such penalty as may be provided in the rules.

FIFTH SCHEDULE

Co-operative Societies

[*See* section 31(a)]

Serial No. 1	Name of Co-operative Society 2
1	Apex Society.
2	Central Co-operative Bank.
3	Central Co-operative Land Development Bank.
4	Central Society.
5	Co-operative Land Development Bank.
6	Primary Co-operative Bank.
7	State Co-operative Bank.

THE WEST BENGAL PRIMARY EDUCATION (AMENDMENT) ACT, 1983.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 17th May, 1985.

WEST BENGAL ACT XLVII OF 1983

An Act to amend the West Bengal Primary Education Act, 1973.

Whereas it is expendient to amend the West Bengal Primary Education Act 1973 (West Ben. Act, XLIII of 1971) for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fourth Year of the Republic of India by the Legislature of West Bengal as follows :—

1. *Short title.*—This Act may be called **the West Bengal Primary Education (Amendment) Act, 1983.**

2. *Amendment of section 2 of West Bengal Act XLIII of 1973.*—In section 2 of the West Bengal Primary Education Act, 1973,—

(1) in clause (xviii), after the words "under this Act", the words "and includes a junior Basic school" shall be added ;

(2) after clause (xxi), the following clause shall be inserted :—

(xxia) "teacher means a person who holds a teaching post in a primary school or in a Junior Basic Training Institution on a regular and whole-time basis and is paid either wholly or in part from the funds under the Control of the State Government in the Education Department ;'.

THE KALYANI UNIVERSITY (AMENDMENT) ACT, 1985.

The following Act of the West Bengal Legislature, having been assento by the Governor, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 20th April 1985

WEST BENGAL ACT VII OF 1985.

An Act to amend the Kalyani University Act, 1981.

Whereas it is expedient to amend the Kalyani University Act, 1981, (West Bengal Act XL of 1981) for the purpose and in the mannar hereinafter appearing ;

It is hereby enacted in the Thirty-sixth Year of the Republic of India by the Legislature of West Bengal, as follows :—

1 *Short title and commencement.*—(1) This Act may be called **the Kalyani University (Amendment) Act, 1985.**

(2) It shall be deemed to have come into force on the 20th day of December, 1984.

2. *Amendment of section 55 of West Bengal Act XL of 1981.*—In section 55 of the Kalyani University Act, 1981, (hereinafter referred to as the principal Act), in sub-section (4),—

(1) in clause (a), for the words "not exceeding one year" the word "not exceeding eighteen months" shall be substituted and shall be deemed always to have been substituted ;

(2) in clause (b), for the words "not exceeding one year", the word "not exceeding eighteen months" shall be substituted and shall be deemed always to have been substituted.

3. *Repeal and saving.*— (1) The Kalyani University (Amendment) Ordinance, 1984 (West Bengal Ordinance XI of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Kalyani University (Amendment Ordinance, 1984 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE TAXES ON ENTRY OF GOODS INTO CALCUTTA METROPOLITAN AREA (AMENDMENT) ACT, 1985.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette, Extraordinary*, Part III, dated 16th May, 1985.

WEST BENGAL ACT NO. X OF 1985.

An Act to amend the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972.

Whereas it is expedient to amend the Taxes on Entry on goods into Calcutta Metropolitan Area Act, 1972 (West Ben. Act V of 1972), for the purpose and in the manner hereinafter appearing ;

And whereas previous sanction of the President under the proviso to clause (b) of article 304 of the Constitution of India has been obtained :

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of the West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Act, 1985.**

(2) It shall come into force on such as the State Government may, by notification in the Official Gazette, appoint.

2. *Amendment of the Schedule to West Bengal Act V of 1972.*—In the Schedule to the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972

(a) in Sl. No. 17, in column (3) against item (a), for the figure and words "2 paise per litre", the figure and words "2 per cent ad velorem", shall be substituted ;

(b) in Sl. No. 57, in column(3) against item (b), for the word "Ditto", the figure and words "3 per cent ad velorem", shall be substituted.

THE WEST BENGAL APPROPRIATION (EXCESS EXPENDITURE 1974-75. 1975-76, 1976-77 AND 1977-78) ACT, 1985.

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the *Calcutta Gazette, Extraordinary*, Part III, dated 4th June. 1985.

WEST BENGAL ACT XI OF 1985.

An Act to regularise payment and appropriation of certain further sums from and out of the Consolidated Fund of West Bengal for the services and purposes of the year ending on the thirty-first day of March, 1975, the year ending on the thirty-first day of March, 1976, the year ending on the thirty-first day of March, 1977 and the year ending on the thirty-first day of March, 1978.

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the **West Bengal Appropriation (Excess Expenditure, 1974-75, 1975-76, 1976-77 and 1977-78) Act,** 1985.

(Text ommitted)

THE RABINDRA BHARATI (AMENDMENT) ACT, 1985

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette, Extraordinary*, Part III, dated 6th June, 1985.

Whereas it is expedient to amend the Rabindra Bharati Act, 1981 (West Bengal Act XXXVI of 1981), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of West Bengal, as following :—

1 *Short title.*—This Act may be called the **Ravindra Bharati (Amendment) Act**, 1985.

2. *Amendment of section 2 of West Bengal Act XXXVI of 1981.*—In section 2 of the Rabindra Bharati Act, 1981,—

(a) for clause (21), the following clause shall be substituted :—

'(21) "Teacher" means a Principal, Professor, Assistant, Professor, Reader, Lecturer, Demonstrator, Tutor, Inspector, Accompanist or any other person, either whole-time or part-time, imparting instruction or conducting research or assisting in the teaching of music or dance by providing instrumental or vocal accompaniment, in the University or in any college, institution or centre affiliated to the University' ;

(b) for clause (22), the following clause shall be substituted :—

'(22) "Teacher of the University" means a professor, Reader, Lecturer, Accompanist or any other person, appointed or recognized as such by the University, either whole-time or part-time, for the purpose of imparting instruction or conducting research or assisting in the teaching of music or dance by providing instrumental or vocal accompaniment, in the University' ;

THE BENGAL (RURAL PRIMARY EDUCATION (AMENDMENT) ACT, 1985

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 10th June, 1985.

WEST BENGAL ACT XIII OF 1985

Whereas it is expedient to amend the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1983), for the purposes and in the manner herein after appearing)

It is hereby enacted in the Thirty-sixth Year of the Republic of India by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called the **Bengal (Rural) Primary Education (Amendment) Act, 1985.**

2. *Amendment of section 2 of Bengal Act VII of 1930.*—In section 2 of the Bengal (Rural) Primary Education Act, 1930 (hereinafter referred to as the principal Act),—

(a) in clause (5), for the words "Director of Public Instruction", the words "Director of Education", shall be substituted ;

(b) in clause (8), for the words "Director of Public Instruction", the words "Director of School Education ;" shall be substituted.

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) In clause (a) of sub-section (1), for the words "Director of Public Instruction" the words "Director of School Education" shall be substituted;

(b) in sub-section (3), for the "Director of Public Instruction", the words "Director of School Education", shall be substituted ;

4. *Amendment of section 23.*—In sub-section (1) of section 23 of the principal Act,—

(a) in clause (1), for the words "Director of Public Instruction" the words "Director of School Education" shall be sabstituted ;

(b) in clause (m), for the words "Director of Public Instruction" the words "Director of School Education" shall be substituted ;

5. *Amendment of section 24.*—In section 24 of the principal Act,—

(a) in clause (i), for the words "Director of Public Instruction", the words "Director of School Education", shall be substituted ;

(b) in clause (ii), for the words "Director of Public Instruction", the words "Director of School Education", shall be substituted.

6 *Amendment of section 25.*—In section 25 of the principal Act, for the words "Director of Public Instruction", the words "Director of School Education" shall be substituted.

7. *Amendment of section 40.*—In sub-section (1) of section 40 of the principal Act, for the words "Director of Public Instruction", the words "Director of School Education" shall be substituted.

8. *Amendment of section 50.*—In section 50 of the principal Act, for the words "Director of Public Instruction" the words "Director of School Education" shall be substituted.

9. *Amendment of section 54.*—In sub-section (3) of the principal Act, for the words "Director of Public Instruction" the words "Director of School Eduction" shall be substituted.

10. *Amendment of section 55.*—In sub-section (3) of section 55 of the principal Act, for the words "Director of Public Instruction", the words "Director of School Education" shall be substituted.

THE WEST BENGAL LOCAL BODIES (ELECTORAL OFFENCES AND MISCELLANEOUS PROVISIONS) (AMENDMENT) ACT, 1984.

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 22nd October, 1984.

WEST BENGAL ACT XXVI OF 1984

An Act to amend the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act. 1952.

Whereas it is expedient to amend the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act 1952, (West Ben. Act X of 1952) for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fifth Year of the Republic of India by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) (Amendment) Act, 1984.**

(2) It shall be deemed to have come into force on the 25th day of June 1984.

2 *Amendment of section 2 of West Bengal Act X of 1952.*—In section 2 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous

Provisions) Act 1952 (hereinafter referred to as the principal Act), for clause (a) the following clause shall be substituted :—

'(a) "election" means an election to fill a seat of a Councillor of the Calcutta Municipal Corporation under the Calcutta Municipal Corporation Act 1980, (West Bengal Act LIX of 1980) or an election to fill a seat of a Councillor of Howrah Municipal Corporation under the Howrah Municipal Corporation Act 1980 (West Bengal Act LVIII of 1980), or an election to fill a seat of a Commissioner of a municipality under the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) or an election to fill a seat of a Councillor of the Municipal Corporation of Chandernagore under the Chandernagore Municipal Act, 1955 (West Bengal Act XVIII of 1955) and'.

3. *Amendment of section 9.*—In section 9 of the principal Act,—

(a) the words and figures "in rule 4 of Part II of the Fourth Schedule to the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885) or in rule 4 of Part II of Schedule II to the Calcutta Municipal Act, 1923, (Bengal Act III of 1923) or" shall be omitted ;

(b) for the words and figures "in rule 4 of Part II of Schedule II to the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951),", the words and figures "in rule 4 of Part II of Schedule III to the Calcutta Municipal Corporation Act 1980 West Bengal Act LIX of 1980)", shall be substituted.

4. *Amendment of section 10.*—In sub-section (3) of section 10 of the principal Act for the words and figures "the Bengal Local self-Government Act 1885 (Bengal Act III of 1885) or the Calcutta Municipal Act, 1923, (Bengal Act III of 1923) or the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) or the Calcutta Municipal Act 1951 (West Bengal Act XXXIII of 1951)" the words and figures "the Bengal Municipal Act 1932, (Bengal Act XV of 1932) or the Calcutta Municipal Corporation Act, 1980 (West Bengal Act LIX of 1980) or the Howrah Municipal Corporation Act 1980 (West Bengal Act LVIII of 1980)," shall be substituted.

5. *Amendment of section 12.*—In sub-section (3) of section 12 of the principal Act for the words and figures "the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885) or the Calcutta Municipal Act, 1923, (Bengal Act III of 1923) or the Bengal Municipal Act, 1932, (Ben. Act XV of 1932) or the Calcutta Municipal Act 1951 (West Bengal Act XXXIII of 1951)" the words and figures "the Bengal Municipal Act, 1932, (Bengal Act XV of 1932) or the Calcutta Municipal Corporation Act 1980 (West Bengal Act LIX of 1980) or the Howrah Municipal Corporation Act 1980 (West Bengal Act LVIII of 1980)" shall be substituted.

6. *Amendment of Section 13.*—In section 13 of the principal Act, in sub-section (2),—

(1) in clause (a), the words and figures "under the Bengal Local Self-Government Act of 1885 (Bengal Act III of 185) or" shall be omitted ;

(2) in clause (b),—

(a) for the words and figures "the Calcutta Municipal Act 1923 (Bengal Act III of 1923) or the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951)" the words and figures "the Calcutta Municipal

Corporation Act 1980 (West Bengal Act LIX of 1980) or the Howrah Municipal Corporation Act, 1980 (West Bengal Act LVIII of 1980)," shall be substituted,

(b) in sub-clause (i), after the words "Registering Authority", the words "or election authority" shall be inserted,

(c) in sub-clause (ii), after the words "Registering Authority", the words "or election authority" shall be inserted.

(d) in sub-clause (iii), after the words "the election Officer", the words "or election authority" shall be inserted.

7. *Repeal and saving.*—(1) The West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) (Amendment) Ordinance, 1984 (West Bengal Ord. VI of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provision) (Amendment) Ordinance, 1984 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE NORTH BENGAL UNIVERSITY (AMENDMENT) ACT, 1984

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette, Extraordinary*, Part, III dated, the 24th October, 1984.

WEST BENGAL ACT XXVIII OF 1985

An Act to amend the North Bengal University Act, 1981.

Whereas it is expedient to amend the North Bengal University Act, 1981, (West Ben. Act XXV of 1981), for the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title and commencement.*—(1) This Act may be called the **North Bengal University(Amendment) Act, 1984.**

(2) It shall be deemed to have come into force on the 11th day of September, 1984.

2. *Amendment of section 57 of West Ben. Act XXV of 1981.*—In section 57 of the North Bengal University Act, 1981 (hereinafter referred to as the principal Act), in sub-section (4),—

(1) in clause (a) for the words "not exceeding one year" the words "not exceeding eighteen months" shall be substituted and shall be deemed always to have been substituted;

(2) in clause (b), for the words "not exceeding one year" the words "not exceeding eighteen months', shall be substituted and shall be deemed always to have been substituted.

3. *Repeal and saving.*—(1) The North Bengal University (Amendment) Ordinance, 1984 (West Ben. Ord. X of 1984.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken

under the principal Act as amended by the North Bengal University (Amendment) Ordinance, 1984 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

THE TAXES ON ENTRY OF GOODS INTO CALCUTTA METROPOLITAN AREA (AMENDMENT) ACT, 1984

The following Act of the West Bengal Legislature, having been assented to by the Governor was published in the *Calcutta Gazette* (*Ext.*), Part III, dated the 21st November, 1984.

WEST BENGAL ACT XXXVI OF 1984

An Act to amend the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972.

Whereas it is expedient to amend the Taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972 (West Ben. Act. V of 1972) for the the purpose and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1 *Short title and commencement.*—(1) This Act may be called **the Taxes on Entry of Goods into Calcutta Metropolitan Area (Amendment) Act, 1984.**

(2) It shall be deemed to have come into force on the 4th day of January, 1984.

2. *Amendment of section 12 of West Ben. Act V of 1972.*—In the Taxes on Entry of Goods into Calcutta Metrpolitan Area Act, 1972, in sub-section (2) of section 12,—

(1) in the first proviso,—

(i) for clause (a), the following clause shall be substituted :—

"(a) in the case of the Calcutta Municipal Corporation, twenty-eight per cent."

(ii) in clause (b),—

(a) for the words "Corporation of Calcutta", the words "Calcutta Municipal Corporation" shall be substituted,

(b) for the words "seventeen per cent.", the words "fourteen per cent." shall be substituted ;

(2) in the second proviso, for the words "Corporation of Calcutta" the words "Calcutta Municipal Corporation" shall be substituted.

THE WEST BENGAL CESS (AMENDMENT) ACT, 1984

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 12th November, 1984.

WEST BENGAL ACT XXXII OF 1984

An Act to amend the Cess Act, 1880.

Whereas it is expedient to amend the Cess Act, 1880 (Ben. Act IX of 1880), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called **the West Bengal Cess (Amendment) Act, 1984.**

2. *Amendment of section 4 of Ben. Act IX of 1880.*—In section 4 of the

Cess Act, 1880 (hereinafter referred to as the principal Act), for the definition of "despatch", the following definition shall be substituted :—

"despatch" in relation to a coal mine, means the quantity of coke and coal despatched from the coal mine and that, in relation to other mines and quarries including sand quarries, means the quantity of minerals/sand despatched from such mine or quarry ;'

3. *Amendment of section 6.*—In section 6 of the principal Act.—

(a) for clause (b), the following clause shall be substituted :—

"(b) in respect of all mines and quarries, on the annual despatches therefrom, and",

(b) in clause (c), the words "mines other than coal mines, quarries" shall be omitted,

(c) for sub-clause (i) of clause (2) of the proviso, the following sub-clause shall be substituted :—

"(i) fifty paise on each tonne of coal, minerals or sand of such annual despatches, and".

4. *Amendment of section 72.*—In section 72 of the principal Act,—

(a) for the words "in the case of coal mines", the words "in the case of all mines and quarries" shall be substituted ;

(b) for the words "in the case of a coal mine, of the annual despatches from such coal mine,", the words "in the case of all mines and quarries, of the annual despatches from such mines and quarries" shall be substituted,

5. *Amendment of section 76.*—In clause (a) of section 76 of the principal Act, for the words "in the case of a coal mine", the words "in the case of all mines and quarries" shall be substituted.

6. *Amendment of Schedule E.*—In Schedule E to the principal Act,—

(1) for "Form No. 1", the following form shall be substituted :—

"FORM NO. I

Form of notice under section 72 in respect of all mines and quarries

District of

Notice under section 72 of the Cess Act, 1880.

The Owner, Chief Agent, Manager or Occupier of the..situated (give the designation of the mine or the quarry) in the district of ....is required to lodge in the office of the Collector of the district of..... ....a return in the form hereunto annexed showing the despatches of coal/mineral/sand from............................. .. ..culculated respectively on the average of the despatches of the last three years for which accounts have been made up. Such return must be signed by him or his authorised agent, and be so lodged within the space of two months from the service of this notice under penalty of a daily fine which may amount to not more than fifty rupees (payable by each such owner, chief agent, manager or occupier) for every day after the expiry of such time or of any extended time which may be allowed by the Collector, on application made to him, until such return shall be lodged or until the annual despatches of coal/minerals/sand from the mine/quarry in respect of which this notice is served, shall have been otherwise ascertained and determined by the Collector.

Collector.

Annexed form of return

District.............................. Year.......... ......

Details of yearly despatches from the mines/quarry in the possession or under the control of the person submitting the return :—

District	Pargana	Name of holder or Manager	Annual dispatches per annum in tonnes on the average of the last three years for which accounts have been made up.					Remarks
in which the mine quarry lies			Coal	Tonnage of coke despatched	Tonnage in terms of coal	Tonnage in terms of minerals and	Total despatches to be assessed	
1	2	3	4	5	6	7	8	9

I, X. Y. Z., do declare that the statements contained in the above return are true to the best of my knowledge, information and belief.

Signature.

N. B.—This return must be signed by the Owner, Chief Agent, Manager or Occupier.";

(2) in Form No. II,—

(i) for the heading, the following heading shall be substituted :—

"FORM No. II

Form of notice under section 72 in respect of properties other than mines and quarries."

(ii) for the words "in respect of properties other than coal mines", the words "in respect of properties other than mines and quarries" shall be substituted. and

(iii) in the "Annexed form of Return", the words "mines, quarries" shall be omitted.

THE INDIAN ELECTRICITY (WEST BENGAL AMENDMENT) ACT 1984.

The following Act of the West Bengal Legislature, having been assented to by the President, was published in the *Calcutta Gazette, Extraordinary*, Part III, dated of the 26th December, 1984.

WEST BENGAL ACT XXXIX OF 1984

An Act to amend the Indian Electricity Act, 1910, in its application to West Bengal.

Whereas it is expedient to amend the Indian Electricity Act, 1910 (9 of 1910), in its application to West Bengal, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called **the Indian Electricity (West Bengal Amendment) Act, 1984.**

2. *Application of the Act.*—The Indian Electricity Act, 1910 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purpose and in the manner hereinafter provided.

3. *Amendment of section 7B of Act 9 of 1910.*—In section 7B of the principal Act,—

(1) after sub-section (7), the following sub-sections shall be inserted :—

"(7a) If the licensee fails to submit within the period specified in the notification under sub-section (4) or such extended period as may be notified by the State Government in this behalf the statement referred to in sub-section (4), the purchaser or the intending purchaser shall be free to call upon the employees of the licensee to submit such statement supported by such documents and papers as may be available with the employees within such period or such extended period as may be notified by the State Government in this behalf. The statement furnished by the employees to the purchaser or the intending purchaser on their own with necessary documents and papers in support thereof shall be deemed to be a valid statement for the purpose of this sub-section.

(7b) On receipt of the statement referred to in sub-section (7a) the purchaser or the intending purchaser shall deliver a copy of the said statement to the licensee who may submit his objection to the statement, if any, within such period or such extended period as may be specified by the State Government in this behalf. The purchaser or the intending purchaser shall thereafter furnish a copy of the objection to the concerned employees.

(7c) If no objection is submitted by the licensee under sub-section (7b), the purchaser or the intending purchaser or any person duly authorised by him in this behalf shall proceed to examine *ex parte* as against the defaulting licensee the statement with reference to available records and such other materials as he may like to examine and to take evidence of such persons as he may deem necessary and shall, after taking into consideration the pues of the employees from the licensee, determine, on adjustment, the dues, if any, of the licensee from the employee and the amount payable to the employee, if any.

(7d) On receiving any objection under sub-section (7b), the purchaser or the intending purchaser or any person duly authorised by him in this behalf, as the case may be, shall give notice to the employee and the licensee of the date fixed for hearing of the objection and after hearing the employee and the licensee, taking into account the evidence adduced, examining such papers and documents as he may deem necessary and considering the dues of the licensee from the employee, if any, and such other facts as he may like to consider including the dues, if any, of the licensee from the employee, shall determine the amount due to the employee. If the licensee fails to appear at the hearing, the objection shall be rejected and the amount due to the employee shall be determined *ex parte*," ;

(2) in sub-section (8), for the words, figures and brackets "sub-section (6) or sub-section (7)", the words, figures, letters and brackets "sub-section (6), or sub-section (7), or sub-section (7-c), or sub-section (7-d)", shall be substituted ;

(3) in sub-section (9) for the words, figures and brackets "sub-section (6) or sub-section (7)", the words, figures, letters and brackets "sub-section (6), or sub-section (7), or sub-section (7c), or sub-section (7d)," shall be substituted ;

(4) to sub-section (11), the following proviso shall be added :—

"Provided that the sale of the undertaking shall not be deemed to be completed if the purchase price, if payable after deducting the claim of the employees of the licensee from the consideration money, has not been paid to the licensee in full and final settlement of his claim.".

THE WEST BENGAL CENTRAL VALUATION BOARD (AMENDMENT) ACT, 1984

The following Act of the West Bengal Legislature, having been assented to by the Governor, was published in the *Calcutta Gazette* (*Ext.*), Part III, dated 2nd February, 1985.

WEST BENGAL ACT XL OF 1984.

An Act to amend the West Bengal Central Valuation Board Act, 1978

Whereas it is expedient to amend the West Bengal Central Valuation Board Act, 1978 (West Ben. Act LVII of 1978), for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Thirty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows :—

1. *Short title.*—This Act may be called **the West Bengal Central Valuation Board (Amendment) Act, 1984**.

2. *Amendment of section 2 of West Ben. Act LVII of 1978.*—In section 2 of the West Bengal Central Valuation Board Act, 1978 (hereinafter referred to as the principal Act),—

(a) in sub-section (1),—

(i) for clause (c), the following clause shall be substituted :—

'(c) "Calcutta" means Calcutta as defined in the Calcutta Municipal Corporation Act, 1980 :' (West Ben. Act LIXof 1980);

(ii) after clause (e). the following clause shall be inserted :—

'(ee) "consolidated rate" means the cansolidated rate leviable under the Bengal Municipal Act, 1932 (Ben. Act XV of 1932.) or the Howrah Municipal Corporation Act. 1980 (West Ben Act LVIII of 1980) or the Calcutta Municipal Corporation Act 1980, (West Ben. Act LIX of 1980) as the case may be;'

(iii) for clause (f), the following clause shall be substituted :—

'(f) "Corporation" means the Calcutta Municipal Corporation and includes the Howrah Municipal Corporation and the Municipal Corporation of Chandernagore;'

(iv) for clause (h), the following clause shall be substituted :—

'(h) "Howrah' means Howrah as defined in the Howrah Municipal Corporation Act, 1980 ;';

(v) in clause (i) for the words "means a holding" in words "includes a *bustee* " shall be substituted ;

(vi) in clause (i), the words "and also garden Reach area" shall be omitted ;

(b) for sub-section (2), the following sub-section shall be substituted :—

50. *Form of resolution.*—A resolution may be in the form of a declaration of opinion or a recommendation ; or may be in the form so as to accord either approval or disapproval by the Corporation of any act or policy of the Mayor-in-Council, or convey a message ; or command, urge or request an action ; or call attention to a matter or situation for consideration of the Mayor-in-Council ; or in such other form as Chairman may consider appropriate.

51. *Subject matter of resolution.*—Subject to the provisions of these rules a member of the Corporation or a member of the Mayor-in-Council may move a resolution relating to a matter of general public interest in so far as it relates to the municipal affairs of Calcutta.

52. *Conditions for admissibility of resolution.*—In order that a resolution may be admissible, it shall satisfy the following conditions, namely :—

(a) it must have a bearing on the municipal affairs of Calcutta ;

(b) it shall raise substantially one definite issue ;

(c) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements ;

(d) it shall not refer to the conduct or character of persons except in their official or public capacity ;

(e) if shall not, without the permission of the Chairman, rise a question substantially the same as have been disposed of by the Corporation within the preceding two months ;

(f) it shall not relate to any matter which is under adjudication by a court of law.

53. *Raising discussion on matters before tribunals, commissions, etc.*—No resolution which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of inquiry appointed to enquire into, or investigate, any matter, shall be permitted to be moved.

54. *Chairman to decide admissibility of resolution.*—The Chairman shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or is calculated to obstruct or prejudicially affect the procedure of the Corporation or is in contravention of these rules.

55. *Moving of resolution.*—(1) A member in whose name a resolution stands on the list of business shall except when he wishes to withdraw it, when called upon move the resolution and shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) A member may, with the permission of the Chairman, authorise any other member in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move it accordingly.

(3) If a member other than a member of the Mayor-in-Council, when called upon is absent, any other member authorised by him in writing in his behalf may, with the permission of the Chairman, move the resolution standing in his name.

56. *Amendments to resolution.*—(1) After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution.

(2) The Municipal Secretary shall, if time permits, make available to the members from time to time lists of amendments of which notices have been received.

(3) If notice of such amendment has not been given one day previous to the day on which the resolution is moved, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman allows the amendment to be moved.

57. *Time-limit for speeches.*—No speech on a resolution shall, except with the permission of the Chairman, exceed ten minutes in duration :

Provided that the mover of a resolution when moving the same and the member of the Mayor-in-Council concerned when speaking for the first time, may speak for fifteen minutes or for such longer time as the Chairman may permit

58. *Scope of discussion.*—The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

59. *Withdrawal of resolution and amendment.*—(1) A member in whose name a resolution stands in the list of business may, when called upon, withdraw the resolution and shall confine himself to a mere statement to that effect.

(2) A member who his moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Corporation.

(3) If a resolution which has been admitted is not discussed during the meeting, it shall be deemed to have been withdrawn.

60. *Copy of resolution passed to be sent to the Mayor-in-Council*—A copy of every resolution which has been passed by the Corporation shall be forwarded to the Mayor-in-Council.

CHAPTER XI

Removal of Mayor and Chairman

61. *Resolution for removal of Mayor.*—(1) A resolution for the removal of the Mayor may be moved at a special meeting of the Corporation called for the purpose.

(2) The Chairman shall upon a requisition in writing under clause (c) of sub-section (1) of section 7 by not less than one-third of the elected members convene a special meeting to consider a resolution for the removal of the Mayor.

(3) The requisition shall be accompanied by a copy of the resolution intended to be moved.

(4) Such special meeting shall be called not later than fifteen days from the date of receipt of the requisition.

(5) If the Chairman is of opinion that the resolution is in order, he shall allow the resolution to be moved.

(6) In such special meeting no other matter except the resolution for the removal of the Mayor shall be discussed.

(7) The Chairman may specify time-limit for discussion.

(8) If the resolution is carried by a majority of the total number of elected members, it shall have the effect of removing the Mayor from his

office with immediate effect.

62. *Resolution for the removal of Chairman.*—(1) A resolution for the removal of the Charirman may be moved at a special meeting of the Corporation called for the purpose.

(2) The Chairman shall upon a requisition in writing under clause (c) of sub-section (1) of section 7 by not less than one-third of the elected members convene a special meeting to consider the resolution for the removal of the Chairman,

(3) The requisition shall be accompanied by a copy of the resolution intended to be moved.

(4) Such special meeting shall be called not later than fifteen days from the date of receipt of the requisition.

(5) The Chairman shall not preside at such meeting.

(6) If the person presiding is of opinion that the resolution is in order he shall allow the resolution to be moved.

(7) In such special meeting no other matter except the resolution for the removal of the Chairman shall be discussed.

(8) The person presiding may specify a time-limit for discussion.

(9) If the resolution is carried by a majority of the total number of elected members, it shall have the effect of removing the Chairman from his office with immediate effect.

CHAPTER XII

Points of order

63. *Points of order and decisions thereon.*—(1) A point of order shall relate to the interpretation of enforcement of these rules or such sections of the Act as relate to the business of the Corporation and shall raise a question which is within the cognizance of the Chairman.

(2) A point of order may be raised in relation to the business before the Corporation at any moment :

Provided that the Chairman may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to the maintenance or order in, or arrangement of business before, the Corporation.

(3) Subject to the conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Chairman shall decide whether the point raised is a point of order and if so, give his decisions thereon, which shall be final.

(4) No debate shall be allowed on a point of order, but the Chairman may, if he thinks fit, hear members before giving his decision.

(5) A member shall not raise a point of order—

(a) to ask any information ; or

(b) to explain his position ; or

(c) when a question on any motion is being put to the Corporation ; or

(d) which may be hypothetical.

CHATPER XIII

Amendments

64. *Scope of amendments.*—(1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has the effect of a negative vote.

65. *Notice of amendments.*—Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Chairman allows the amendment to be moved without such notice.

66. *Putting of amendments.*—The Chairman may put amendments in such order as he may think fit :

Provided that the Chairman may refuse to put an amendment which in his opinion is frivolous.

CHAPTER XIV

Supplemental

67. *Personal explanation.*—A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Corporation, but in this case no debatable matter may be brought forward and no debate shall arise.

68. *Power of Chairman to amend notices, etc.*—If, in the opinion of the Chairman, any notice, motion or resolution contains words, phrases, or expressions which are argumentative, ironical irrelevant verbose or otherwise inappropriate, he may in his discretion amend such notice before it is circulated.

69. *Admission of strangers.*—The admission of strangers in the Municipal Council Chamber during the sittings of the Corporation shall be regulated in accordance with such directions as the Chairman may from time to time issue.

ANNEXURE A

Form of nomination

(For election of Mayor/Chairman)

[*See* rule 12(3)]

1. Name of the candidate (in block letter)..
2. Address of the candidate.................................
3. No. of the Constituency from which the candidate is elected..........
4. Name in full of the proposer (in block letter)..................................
5. Address of the proposer.....................................
6. No. of the constituency from which the proposer is elected..............
7. Signature in full of the proposer...............................
8. Date...............................
9. Name in full of the seconder...
10. Address of the seconder.......................................
11. No. of the constituency from which the seconder is elected..............
12. Signature in full of the seconder..........................
13. Date.............................

I signify my assent to the nomination.

....

Signature in full of the candidate.

Date..................................

(To be filled up by the Municipal Secretary)

Certificate of receipt

Serial No. ....

This nomination was received by me at.. on ....

Municipal Secretary,

Published in the *Calcutta Gazette*, *Extraordinary*, Part I, No. 289A, dated 20th April, 1983.

FINANCE DEPARTMENT

No. 901-SSD.—(*14th April, 1983*).—In exercise of the power conferred by sub-section (1), and in particular, by clause (bb) of sub-section (2) of section 44 of the Bengal Money-Lenders Act, 1940 (Ben. Act X of 1940), the Governor is pleased hereby to make, after previous publication, as required by sub-section (1) of the said section, the following **amendments in the Bengal Money-Lenders Rules, 1940, as** subsequently amended (hereinafter referred to as the said rules):—

Amendments

In the said rules,—

(1) after rule 4, insert the following rule :—

"**4A.** (1) Inspectors referred to in sub-section (1) of section 6A shall be appointed either by direct recruitment or by transfer from other services, Members of other services can also be appointed Inspectors in addition to their own duties.

(2) A person to be directly recruited as Inspector shall be graduate of a recognised University. He shall not be below 21 years and not above 35 years of age on the 1st January of year of recruitment and shall have knowledge of Bengali.

(3) An Inspector shall have power—

(i) to enter, at all reasonable hours, into any premises where money-lending business is being conducted;

(ii) to inspect documents and books of accounts and take notes therefrom;

(iii) to order the money-lender or any person employed in connection with such money-lending business to produce documents and books of accounts in his office on a specified date and time;

(4) It shall be the duty of an Inspector—

(i) to detect cases of money-lending business which are being carried on without valid licence and report such cases to the Registrar or the Sub-Registrar;

(ii) to enquire into cases of new applications for licence;

(iii) to see that the money-lenders operating whithin his jurisdiction comply with the provisions of the Act and bring cases of contravention of the provisions of the Act to notice of the Sub-Registrar or the Registrar;

(iv) to carry out directions of the State Registrar or a Registrar or a Sub-Registrar;

(5) The State Registrar, a Registrar or a Sub-Registrar shall exercise general supervision and control over the Inspectors posted within his respective jurisdiction."

(2) in rule 13, for the words "Secretary to the Government of

Bengal in the Judicial Department", substitute the words "Secretary to the Government of West Bengal in the Finance Department".

Published in the *Calcutta Gazette, Extraordinary*, Part I, No. 645, 24h September, 1981.

EDUCATION DEPARTMENT

No. 575-Edn(SE)/5L 24/83 —(*9th September 1981*) —In exercise of the power conferred by sub-section (3) of section 1 of **the West Bengal Public Libraries Act, 1979** (West Ben. Act XXXIX of 1979), the Governor is pleased hereby to appoint 10th day of September 1981 as the date on which sections 2, 6, 7, 16 and 23 of the said Act shall come into force.

Published in the *Calcutta Gazette, Extraordinary*, Part I, No. 41, dated 20th September, 1984.

JUICDIAL DEPARTMENT

No. 18688-J.—(*11th September, 1984*).—In exercise of the power conferred by Sub-section (2) of section 1 of **the West Bengal Court-fees (Amendment) Act, 1984** (West Ben. Act XV of 1984), the Governor is pleased hereby to appoint the 25th day of September, 1984, as the date on which the said Act shall come into force.

Published in the *Calcutta Gazette, Extraordinary*, Part I, dated 5th April, 1984.

FINANCE DEPARTMENT

No. 1021F.T.—(*29th March 1984*).—In exercise of the power conferred by the section 25 of the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979 (West Ben. Act VI of 1979), the Governer is pleased hereby to make, with effect from the 1st day of April 1984, the following **amendment in the West Bengal State Tax on Professions, Trades, Callings and Employments Rules, 1979,** as subsequently amended (hereinafter referred to as the said rules) :—

Amendment

In the said rules, for sub-rule (3) of the rule 6, substitute the following sub-rule:—

"(3) Notwithstanding anything contained in sub-rule (2), where consequent upon the amendment in any of the serial Nos. 2 to 18 of the Schedule to the Act, the rate of tax payable under the Act is changed and a new rate of tax is specified , then the rate of tax payable as mentioned in the last paragraph of the certificate of enrolment in Form IIA granted under rule 4 to the holders of such certificates prior to such amendment shall stand changed to the new rate of tax so specified with effect from the date of coming into force of such amendment."

No. 1035-F.T.—(*30th March, 1984*).—In exercise of the power conferred by sub-section (1) of section 19 of the West Bengal Motor Spirit Sales Tax Act, 1974 (West Ben. Act XI of 1974), the Governor is pleased hereby to make, with effect from the 1st day of April 1984, the following **amendment in the West Bengal Motor Spirit Sales Tax Rules, 1974,** as subsequently amended (hereinafter referred to as the said rules):—

Amendmetns

In the said rules,—

(1) in Form III,—

(a) in item 9,—

(i) after the words "Total tax payable", insert the words, figure, letter and brackets "under section 4 (X)',;

(ii) omit the words and letters "Tax paid Rs..............";

(b) after item 9, insert the following items and entries relating thereto :

"9A. Turnover tax payable under section 4A at 1 per cent. of item 4A (Y) Rs.

9B. Total tax payable (X Y) Rs.........................

Tax paid Rs..................................";

(2) in Form V, for the words, letters and brackets "the amount of tax payable by you for the months/......................months ending the day of..has been assessed at Rs...
(in figures)
(Rupees...; ....)",
(in words)
substitute the words, figures, letters and brackets "the amount of tax payable by you under section 4 and section 4A for the *month/...months ending the day of...has been assessed at Rs..
(in figures)
(Rupees..) and
(in words)
Rs...............................(Rupees...
(in figeres)
.....................................) respectively".
(in words)

No. 1020F.T.—(*29th March 1984*)—In exercise of the power conferred by sub-section (2) of section 1 of the **West Bengal Taxation Laws (Second Amendment) Act 1984** (West Ben. Act IV of 1984), the Governor is pleased hereby to appoint—

(a) the 1st day of April 1984 as the date on which the provisions of section 1 and 2, clauses (1) to (3), sub-item (B) and (C) of item (i), item (ii) to (iv) and sub-item (A) and (B) of item (vii) of sub-clause (a), sub-item (A) of item (i) and sub-item (A) of item (ii) of sub-clause (b) and sub-clause (c) of clause (4) and clauses (5) to (9) of section 3 and sections 4 to 8, and

(b) the 1st day of May 1984 as the date on which the provisions of sub-item (A) of item (i), item (vii) and sub-item (C) of item (viii) of sub-clause (a) and sub-item (B) of item (i) and sub-item (B) of item (ii) of sub-clause (b) of clause (4) of section 3,

of the said Act shall come into force.

Published in the *Calcutta Gazette*, (*Ext.*), Part I, No. 538, dated September 14, 1984

JUDICIAL DEPARTMENT

No. 1879-Regn.—(*3rd September 1984*).—In exercise of the power conferred by sub-section (3) of section 1 of the **Registration (West Bengal Amendment) Act, 1984** (West Bengal Act XXIII of 1984), the Governor is pleased hereby to appoint the 15th day of September 1984 as the date on which section 3 of the said Act shall come into force in the whole of West Bengal.

Published in the *Calcutta Gezette* (*Ext.*), Part I, No. 756, dated November 24, 1983.

HIGH COURT AT CALCUTTA

No. 6801 R. O.—(*13th June 1983*.—The following **amendment** which have been made by the High Court ot Calcutta in the **rules** contained in chapter VIII of the **Manual of the Court of Small Causes of Calcutta, Volume** II in exercise of the powers conferred by section 27 of the Legal Practitioners, Act, 1872 is published for general information :—

Amendments

I. In page 102 and 103, Chapter VIII, Rule 3 Volume II, substitute the following for the existing Rule 3 ;—

"3. Subject to the provisions of section 76 of the Act, the fee payable in suit under the Act by any party in respect of the fee of his adversery's pleader shall be 15 percent of the value of the suit :

Provided that in no case, the amount of such fee shall be less than Rs. 16/-".

II. In page 103, Chapter VIII, Rule 6, Volume II, substitute "Rs. 32/-" for Rs. 16/-" in the third line, and "Rs. 16/-" for "Rs. 8/-" in the fourth line.

III. In page 103. Chapter VIII Rule 7, Volume II, substitute "Rs. 32 for "Rs. 16/-" in the fourth line.

Published in the *Calcutta Gazette* (*Ext.*), Part I, No. 82, dated March 13, 1985

HOME DEPARTMENT

No. 218-PAR (AR).—(*11th March 1985*).—In exercise of the power conferred by sub-section (2) of section 1 of the **West Bengal Districts (Change of Name of Deputy Commissioners) Act 1984** (West Bengal Act XXX of 1984, the Governor is pleased hereby to appoint the 15th day of April 1985 as the date on which the said Act shall come into force.

Published in the *Calcutta Gazette*, (*Ext.*), Part I, No. 23, dated 10th January, 1984.

DEPARTMENT OF LOCAL GOVERNMENT AND URBAN DEVELOPMENT

No. 38/C-4/MIA-27/83.—(*10th January, 1894*).—In exercise of the power conferred by sub-section (2) of section 1 of **the Calcutta Municipal Corporation (Amendment) Ordinance**, 1983 (West Ben. Ord. I of 1984), the Governor is pleased hereby to appoint the 11th day of January 1984 as the date on which the said Ordinance shall come into force.

Year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called **the Madhya Pradesh Karadhan (Sanshodhan) Adhiniyam, 1985**

(2) It shall come into force on the 1st day of August, 1985.

2. *Amendment of section* 9.—In section 9 of the Madhya Pradesh Karadhan Adhiniyam, 1982 (No. 15 of 1982),—

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) There shall be levied and collected—

(a) on the land held under mining lease for undertaking mining operations for a major mineral other than coal a mineral areas development cess at the rate of one hunderd per centum of the rental value thereof; and

(b) on the land held under mining lease for undertaking mining operations for coal, a mineral areas development cess at the rate of one hundred twenty five per centum of the rental value thereof." ;

(ii) to sub-section (4) the following proviso shall be added, at the end, namely :—

"Provided that if the mineral areas development cess is not paid within the prescribed date, there shall be charged interest at the rate of fifteen per cent. per annum on the amount of cess or part thereof which has not been paid or deposited before the said date from the date the cess or the part thereof has become due for payment and the same shall be recoverable as an arrear of land revenue alongwith costs of recovery ".

Published in the *Madhya Pradesh Gazette, Extraordinary,* dated 10th September, 1985.

TRANSPORT DEPARTMENT

No. 8-4-84-VIII.—(*Bhopal, the 9th September 1985*).—In exercise of the powers cenferred by sub-section (3) of Section 1 of **the Madhya Pradesh Motor Parivahan Yano Par Pathkar Ka Udgrahan Adhiniyam, 1985** (No. 17 of 1985), the State Government hereby appoints the 15th September 1985 as the date on which the said Act shall come into force.

TRANSPORT DEPARTMENT

No. 8-1-84-VIII.—(*Bhopal, the 31st August, 1985*).—In exercise of the powers conferred by sub-section (2) of the section 1 of **the Madhya Pradesh Motor Vehicles Taxation (Amendment) Act, 1985** (No. 18 of 1985) the State Government, hereby, appoints 1st day of September 1985 as the date on which the said Act shall come into force.

Published in the *Madhya Pradesh Gazette, Extraordinary,* dated 1st August, 1985.

F. No. A-5-6-85(37)-ST-V.—(*Bhopal, the 1stAugust, 1985*).—In exercise of the powers conferred by sub-section (2) of Section 1 of **the Madhya Pradesh General Sales Tax (Amendment) Act, 1985** (No. 14of 1985), the State Government hereby appoints the 1st August 1985 as the date on which the said Act, shall come into force.

THE MADHYA PRADESH APPROPRIATION (NO. 2) ACT, 1985.

The following Act received the aseent of the Governor on the 31st August 1985, Act and was published in the "*Madhya Pradesh Gazette, (Extraordinary)*" dated the 5th September, 1985.

MADHYA PRADESH ACT No. 20 of 1985

An Act to provide for the authorisation or appropriation of moneys out of the Consolidated Fund of State of Madhya Pradesh to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1980 in excess of the amounts granted for those services and for that year.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Madhya Pradesh Appropriation (No. 2) Act, 1985.**

(Text omitted)

THE MADHYA PRADESH APPROPRIATION (NO. 3) ACT, 1985.

The following Act received the assent of the Governor on the 31st August 1985, and was published in the "*Madhya Pradesh Gazette* (*Extraordinary*)" dated the 5th September 1985.

MADHYA PRADESH ACT NO. 21 of 1985

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Madhya Pradesh to meet the amount spent on certain services during the financial year ended on the 31st day of March, 1981 in excess of the amounts granted for those services and for that year.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called **the Madhya Pradesh Appropriation (No. 3) Act, 1985.**

(Text omitted)

THE MADHYA PRADESH MOTOR PARIVAHAN YANO PAR PATHKAR KA UDGRAHAN ADHINIYAM, 1985

The following Act received the assent of the Governor on the 28th August, 1985, and was published in the "*Madhya Pradesh Gazette* (*Extraordinary*)", dated the 29th August, 1985.

MADHYA PRADESH ACT NO. 17 of 1985

An Act to provide for the levy of toll on certain motor vehicles entering in the State of Madhya Pradesh and for matters connected therewith or incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title, extent and commencment.*—(1) This Act may be called **the Madhya Pradesh Motor ParivahanYano Par Pathkar Ka Udgrahan Adhiniyam, 1985.**

(2) It extends to the whole of Madhya Pradesh.

(3) 'It shall come into force on such date as the State Government may, by notification, appoint.

2 *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "barrier" means a barrier established under section 4 ;

(b) "goods vehicle" means a transport vehicle whether a private goods vehicle or public goods vehicle as defined in the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962) ;

(c) "operator" means any person whose name is entered in the permit in respect of the motor transport vehicle, as the holder thereof and includes any person for the time being in charge of such vehicle ;

(d) "toll" means the toll levied under section 3 ;

(e) "Toll Tax Officer" means such officer or officers as the State Government may, by notification, appoint to be the Toll Tax Officer for the whole of Madhya Pradesh or any area or areas thereof for the purposes of this Act and includes a Taxation Authority under the Madhya Pradesh Motor Vehicle Taxation Act, 1947 (No. 6 of 1947) or tax officer appointed under the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No 19 of 1962) ;

(f) "Motor transport vehicle" means a stage carriage of a goods vehicle ;

(g) words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 1939 (No. 4 of 1939) shall have the respective meanings assigned to them in that Act.

3. *Levy of toll.*—(1) There shall be levied a toll on every transport vehicle plying under a permit granted under the Motor Vehicles Act, 1939 (No. 4 of 1939) by an authority having jurisdiction outside Madhya Pradesh entering the State of Madhya Pradesh at such rate not exceeding one hundered rupees per vehicle, as the State Government may, by notification, specify :

Provided that where toll has been paid once in respect of the entry of the vehicle no toll shall be levied for any subsequent entry thereof on the same day.

(2) The toll shall be paid by the operator of the motor transport vehicle.

4. *Establishment of barriers.*—For the purposes of collection of toll, the State Government shall by notification, establish barries at such places on the boundary of the State as may be specified in the notification.

5. *Prohibition of entry without paying toll.*—No motor transport vehicle liable to pay toll under section 3, shall be entered or plied in the State unless the toll has been paid, and the Toll Tax Officer shall have the power to prevent the entry or plying of such vehicle in contravention of the provisions of this Act.

6. *Powers to stop and seize.*—(1) When so required by the Toll Tax Officer or any other person authorised by him in this behalf, the driver of a motor transport vehicle shall also stop the vehicle whether at the barrier or any other place within the State, and keep it stationary for a reasonable period in order to enable the Toll Tax Officer or the person so authorised, as the case may be, to satisfy him that the toll, if payable, has been paid and that other provisions of this Act have been camplied with.

(2) When the Toll Tax Officer or the person authorised by him under sub-section (1) has reason to believe,—

(a) that the toll has not been paid, he may detain the vehicle or any part or accessory thereof sufficient in his opinion for realisation of or the toll, until the toll is paid, or

(b) that any breach of the provisions of this Act has been committed, detain the vehicle or any part or accessory thereof sufficient in his opinion for realisation of the maximum amount of penalty leviable under section 7, until cash security equivalent to such amount is furnished :

Provided that no action under this sub-section shall be taken unless the driver of the vehicle has been given a reasonable opportunity of being heard.

(3) The vehicle so detained or the security so deposited shall be dealt within such manner as may, be prescribed.

7. *Penalty.*—If the Toll Tax Officer is satisfied after making such enquiry, as he may deem necessary that any person has committed a breach of any of the provisions of this Act or the rules made thereunder he may order that such person shall pay by way of penalty in addition to the toll, if any, payable by him, a sum not exceeding two hundred and fifty rupees :

Provided that no such order shall be made unless such person has been given a reasonable opportunity of being heard.

8. *Appeal.*—Any person aggrieved by an order under section 7 may, within thirty days from the communiciation of such order to him prefer an appeal against such order to such appellate authority as may be prescribed and the ordor of such appellate authority shall be final.

9. *Manner of levy, payment and collection of toll etc.*—(1) The toll shall be levied, paid and collected in such manner as may be prescribed.

(2) Without prejudice to the provisions of sub-section (1) any toll, penalty or other dues recoverable under this Act, if not paid within fifteen days of its becoming due may be recovered in the same manner as arrears of land revenue.

10. *Lump sum agreement.*—Notwithstanding anything contained in the foregoing provisions of this Act the State Government or any officer authorised by it in this behalf, may agree to accept a lump sum in lieu of the amount of toll that may be payable, for such period, as may be agreed upon, by the operator to the State Government :

Provided that any change in the rate of toll which may come into force after the date of such agreement shall have the effect of making a proportionate change in the lump sum agreed upon in relation to the part of the period of agreement during which such changed rate remains in force.

11. *Power of State Government to exempt from toll.*—The State Government may, by notification exempt in whole or in part any motor transport vehicle or or class of motor transport vehicle from the payment of toll for such period and subject to such restrictions and conditions as may be specified in the notification.

12. *Reciprocal agreement.*—Notwithstanding anything contained in this Act where any reciprocal agreement relating to levy collection and payment

of the toll is entered into by the State Government with any other State Government, the levy, collection and payment of the toll shall be in accordance with the terms and conditions of such agreement :

Provided that the toll so levied shall not exceed the toll which would have otherwise been levied under other provisions of this Act.

13. *Protection of action taken under the Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported or intended to be done, in pursuance of the provisions of this Act or the rules made thereunder.

14. *Powers to make rules.*—(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may, provide for all or any of the following matters, namely :—

(i) the manner of dealing with the vehicle detained or the security deposited under sub-section (3) of section 6 ;

(ii) appellate authority to be prescribed under section 8 ;

(iii) the manner of levy, payment and collection of the toll under sub-section (1) of section 9 ;

(iv) any other matter which has to be or may be prescribed.

(3) The rules made under this Act shall be laid on the table of the Legislative Assembly.

THE MADHYA PRADESH MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1985.

The following Act received the assent of the Governor on the 28th August 1985, and was published in the *Madhya Pradesh Gazette, (Ext.)*, dated the 29th August, 1985.

MADHYA PRADESH ACT NO. 18 OF 1985

An Act further to amend the Madhya Pradesh Motor Vehicles Taxation Act, 1947.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of the India as follows :—

1. *Short title and commencement.*—(1) This Act may be called **the Madhya Pradesh Motor Vehicles Taxation (Amendment) Act, 1985**

(2) It shall come into force on such date as the State Government may, by notification, appoint

2. *Amendment of section 3*—After sub-section (2) of section 3 of the Madhya Pradesh Motor Vehicles Taxation Act, 19 7 (No 6 of 1947) (hereinafter referred to as the Principal Act), the followins sub section shall be inserted, namely :—

"(2-a) Notwithstanding anything contained in sub-section (2) the owner of a motor cycle,—

(i) which is registered on or after 1st January, 1985 but before the commencement of the Madhya Pradesh Motor Vehicle Taxation (Amendment) Act, 1985 under section 24 of the Motor Vehicles Act, 1939 (No. 4 of 1939) shall deposit the amount of tax in lump sum for ten years minus the amount of tax already deposited in respect of that motor cycle within 90 days of the commencement of the Madhya Pradesh Motor Vehicles

Taxation (Amendment) Act, 1985 ; and

(ii) applying for registration after the commencement of the Madhya Pradesh Motor Vehicles Taxation (Amendment) Act, 1985 shall deposit the amount of tax in lumpsum for ten years.

the amount of tax deposited under clause (i) or clause (ii) shall be treated as payment of tax for fifteen years in respect of that motor cycle".

3. *Amendment of section 3-B.*—For sub-section (1) of section 3-B of the Principal Act, the following sub-section shall be substituted, namely :—

"(1) In addition to the tax levied under section 3, there shall be levied and paid to the State Government, a surcharge on all goods vehicles and articulated vehicles at the rate of twenty percentum of the tax levied under that section."

4. *Amendment of First Schedule.*—In the First Schedule to the Principal Act, for items I, II, III, IV and V, the following items shall be substituted, namely :—

"I. Motor Cycles—	Rs. P.
the unladen weight of which does not exceed 90 kilograms	48.00
the unladen weight of which exceeds 90 kilograms	60.00
Additional tax for side car or trailor	15.00
II. Motor Cars—	
the unladen weight of which does not exceed 760 kilograms	120.00
the unladen weight of which exceeds 760 kilograms but does not exceed 1,520 kilograms	170.00
exceeds 1,520 kilograms but does not exceed 2,280 kilograms	204.00
exceed 2,280 kilograms but does not exceed 3,040 kilograms	240 00
exceeds 3,040 kilograms	288.00
Additional tax for each trailor—	
the unladen weight of which does not exceed 1,016 kilograms	60.00
the unladen weight of which exceeds 1016 kilograms	120.00
Invalid Carriages	36.00
III. Public Service Vehicles	
(i) Motor Cycle for hire—	
the unladen weight of which does not exceed 90 kilograms	84.00
the unladen weight of which exceeds 90 kilograms	96.00
Additional Tax for each side car or trailor attached to Motor Cycle	48.00
(ii) Vehicle having seating capacity upto six seats, other than motor cycle for hire—	
(a) for the vehicle having seats capacity for passengers upto 3 seats.	80.00 (for each seat)

	Rs. P
(b) for the vehicle having seating capacity for passengers in all more than 3 but not more than 6.	80.00 (for each seat)
(iii) vehicle having seating capacity for— passengers more than 6 for hire—	
(a) for seating capacity upto 6 seats.	80 00 (for each seat)
(b) thereafter seating capacity exceeding 6 seats but does not exceed 20 seats.	72.00 (for each seat)
(c) thereafter seating capacity exceeding 20 seats but does not exceed 38 seats.	100 00 (for each seat)
(b) exceeding 38 seats.	120.00 (for each seat)
IV. Goods Vehicles or Articulated Vehicles— the registered laden weight of which, as the case may be—	
does not exceed 1,780 kilograms	276.00
exceeds 1,780 kilograms but does not exceed 2,030 kilograms.	300.00
exceeds 2,030 kilograms but does not exceed 3,050 kilograms.	516.00
exceeds 3,050 kilograms but does not exceed 4,060 kilograms	696.00
exceeds 4 060 kilograms but does not exceed 4,570 kilograms	780.00
exceeds 4,570 kilograms but does not exceed 5,570 kilograms	948.00
exceeds 5,570 kilograms but does not exceed 6,580 kilograms	1116.00
exceeds 6,580 kilograms but does not exceed 7,480 kilograms	1272.00
exceeds 7,480 kilograms but does not exceed 8,390 kilograms	1428.00
exceeds 8,390 kilograms but does not exeeed 9,300 kilograms	1680.00
exceeds 9,300 kilograms but does not exceed 10,200 kilograms	1836.00
exceeds 10,200 kilograms but does not exceed 11,000 kilograms	2507.00
exceeds 11,000 kilograms but does not exceed 12,000 kilograms	2718.00
exceeds 12,000 kilograms but does not exceed 13,000 kilograms	2930.00

exceeds 13,000 kilograms but does not exceed 14,000 kilograms ...	3140.00
exceeds 14,000 kilograms but does not exceed 15,000 kilograms ..	3352.00
exceeds 15,000 kilograms but does not exceed 16,000 kilograms ...	3486.00
and thereafter for each additional 1,000 kilograms or part thereof ...	210.00

V. All other motor vehicles not included in any of the categories of motor vehicles specified in this Schedule the unladen weight of which—

does not exceed 760 kilograms ...	120.00
exceeds 760 kilograms but does not exceed 1,520 kilograms ...	240.00
exceeds 1,520 kilograms but does not exceed 2,030 kilograms ...	300.00
exceeds 2,030 kilograms but does got exceed 3,050 kilograms ...	444.00
exceeds 3,050 kilograms but does not exceed 4,060 kilograms ...	600.00
exceeds 4,060 kilograms but does not exceed 5,080 kilograms ..	840.00
exceeds 5,080 kilograms but does not exceed 6,100 kilograms ..	1080.00
exceeds 6,100 kilograms but does not exceed 7,000 kilograms, and ...	1356.00
thereafter for each additional 1,000 kilograms or part theseof ...	400.00
Additional Tax for each tailor. ...	120.00

5. *Omission of Fourth Schedule.*—The Fourth Schedule to the Principal Act shall be omitted.

THE MADHYA PRADESH MOTOR VEHICLES (TAXATION OF GOODS) AMENDMENT ACT, 1985

The following Act received the assent of the President on the 16th September, 1985, and was published in the *Madhya Pradesh Gazette*, (*Extr.*) dated the 25th September, 1985.

MADHYA PRADESH ACT NO. 23 OF 1985

An Act further to amend the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-sixth Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called **the Madhya Pradesh Motor Vehicles (Taxation of Goods) Amendment Act, 1985.**

2. *Amendment of section 2*—In section 2 of the Madhya Pradesh Motor Vehicles (Taxation of Goods) Act, 1962 (No. 19 of 1962) (hereinafter referred to to as the Principal Act),—

(i) for clause (5-a), the following clause shall be substituted, namely :—

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(a) for the words, brackets and figures "proviso to sub-section (3) of section 3" the words brackets and figures "proviso to sub-section (1) of section 4" shall be substituted ,

(b) for the word "Board" the word "Council" shall be substituted;

(iii) in sub-rule (2), for the word "Board" occurring at two places, the word "Council" shall be substituted.

7, After rule 3 of the principal rules, the following shall be inserted, namely :—

"3A *Preparation of list of voters.*—(1) For the purpose of elections under clause (d) of sub-section (1) of section 3A, the Registrar shall prepare a list of voters of—

(a) Principals or heads of recognised institutions. and

(b) Teachers (other than Principals or heads) of recognised institutions; who are registered practitioners possessing any of the qualifications specified in the Schedule and for a period of not less than two years engaged in teaching in any of the system of Indian Medicine in any recognised institution, showing against the name of each voter included in the list of voters his qualifications and address.

(2) The Registrar may call upon the principals or the heads of recognised institutions to furnish such information as may be required for the purpose of preparing the list of voters, under sub-rule (1).

(3) The Registrar shall, on a date not earlier than six months from the date of expiry of the term of members of the Council, publish the list of voters by exhibiting copies thereof in the office of the Council and also send copies of the list ot voters to the principals or heads of recognised institutions calling for objections within fifteen days from the date of the publication of such list. All objections received within the specified period shall be considered by the Registrar, who shall after making such inquiries as he deems fit, amend the list of voters as far as possible by making such alterations in, and additions to, the said list as found necessary within a period of seven days after the expiry of the period of fifteen day referred to above.

(4) The list of voters shall, subject to the alternations and additions made under sub-rule (3), if any, be the final and conclusive list of voters for the purpose of election to the Council.

(5) The Registrar shall forward to the Returning Officer five copies each of the list of voters as soon as after the notification, calling upon principals or heads or teachers referred to in sub-clauses (i) and (ii) of clause (d) of sub-section (1) of section 3A, has been issued under these rules.".

8. In Part III of the principal rules, in the heading, for the word "Board" the word "Council" shall be substituted.

9. In rule 4 of the principal rules, in the sub-title and in the body of the rule, for the words "Board" the word "Council" shall be substituted.

10. In rule 5 of the principal rules,—

(i) in sub-rule (1), for the word "Board" where it occures at three places, the word "Council" shall be substituted ;

(ii) in sub-rule (2), for the word, brackets letter and figures "clause (b) of sub-section (2) of section 3" the words, brackets, letters and figures "clause (c) of sub.section (1) of section 3A" shall be substituted.

11. In rule 6 of the principal rules, for the word "Board" wherever it occurs, the word "Council" shall be substituted.

12. In rule 8 of the principal rules,—

(a) in sub-rules (3), (5) and (6) for the word "Board" where it occurs, the word "Council" shall be substituted ;

(b) in sub-rule (4), for the words, bracket and figure "sub-rule (2)" the words, brackets and figure "sub-rule (1)" shall be substituted.

13. In rule 9 of the principal rules,—

(i) in sub-rules (5), (6) and (8), for the word "Board" where it occurs, the word "Council" shall be substituted ;

(ii) in sub-rule 7, in clause (b), for the words, brackets and figures "under sub-section (3) of section 3", the words, brackets, figures and letter "under sub-section (2) of section 3A" shall be substituted.

14. In rule 14 of the principal rules, in sub-rule (1), in clause (a), for the word "Board", the word "Council" shall be substituted.

15. In Part IV of the principal rules, for the existing heading, the heading "Casual Vacancies" shall be substituted.

16. For rule 15 of the principal rules, the following shall be substituted, namely :—

"15. *Filling of casual vacancies of elected members of Council.*—The President shall inform the State Government of every vacancy in the office of an elected member of the Council within a peried of thirty days from the occurrence thereof".

17. Part V, VI and VII of the principal rules, shall be deleted.

18. For Forms 'A' to 'F' appended to the principal rules, the following Form shall be substituted, respectively, namely :—

FORM 'A' to 'P'

(omitted)

Published in the *Maharashtra Govt. Gazette*, Part IV(Aa), dated September 19, 1985.

PUBLIC HEALTH DEPARTMENT

No. BDM. 1083/1383/CR-100. FW-III —(Mantralaya, Bombay 400 032, dated the 29th August, 1985)—In exercise of the powers conferred by section 30 of the Registration of Births and Deaths Act, 1969 (18 of 1969), and of all other powers enabling it in that behalf the Government of Maharashtra with the approval of the Central Government, hereby makes the following rules further to amend the Maharashtra Registration of Births and Deaths Rules, 1976, namely :—

1. These rules may be called **the Maharashtra Registration of Births and Deaths (Amendment) Rules**, 1985.

2. In the Maharashtra Registration of Births and Deaths Rules, 1976 (hereinafter referred to as "the principal rules"), in rule 5, for sub-rule (2), the following shall be substituted, namely :—

"(2) The information referred to in sub-rule (1) shall be given within fourteen days from the date of live-birth, still-birth or death, as the case may be."

3. In rule 7 of the principal rules, for sub-rule (2), following shall be substituted, namely :—

"(2) Such information shall be given within fourteen days from the date of live birth or death, as the case may be."

4. In rule 11 of the principal rules, in sub-rule (1), for the proviso, the following shall be substituted, namely : —

"Provided that if the information is given after the aforesaid period of 12 months but within a period of 15 years, it shall be reckoned —

(i) in case where the registration has been made prior to the date of commencement of the Registration of Births and deaths (Amendment) Rules, 1985, from such date ; or

(ii) in case where the registration of Births and deaths (Amendment) Rules, 1985, from the date of such registration.

subject to the provisions of sub-section (4) of section 23, the Registrar shall—

(a) if the register is in his possession, forthwith enter the name in the register on payment of a late fee of rupees two ; and

(b) in the register is not in the possession and if the information is given orally, make a report giving necessary particulars, and, if the information is given in writing, forward the same to the officer specified by the State Government in this behalf for making the necessary entry on payment of a late fee of rupees two."

5. In rule 12 of the principal rules, in sub-rules, (4), the words "as specified by the State Government" shall be deleted.

Published in the *Maharashtra Govt. Gazette* Part IV(Ba),
dated 15th August, 1985.

FINANCE DEPARTMENT

No. STR. 1085/CR 21/RES-7.—(*Mantralaya, Bombay 400 032, dated the 5th July, 1985*).—Whereas, the Government of Maharashtra is satisfied that circumstances exist which render it necessary to take immediate action further to amend the Bombay Sales Tax Rules, 1959 (hereinafter referred to as "the said rules") and to dispense with the condition of previous publication thereof under sub-section (4) of section 74 of the Bombay Sales Tax Act, 1959 (Bom. LI of 1959) hereinafter referred to as "the said Act") ;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (xiv) of sub-section (2) read with the proviso to sub-section (4) of section 74 of the said Act and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules futher to amend the said rules, namely :—

1. These rules may be called **the Bombay Sales Tax (Second Amendment) Rules, 1985.**

2. In rule 42A of the Bombay Sales Tax Rules, 1959,—

(a) in clause (2), for the figures, brackets and words "15, 32, 39 (i) and 39 (ii) and 47, 59, 70, 76 or 109", the following shall be substituted, namely :—

"1. 15, 32, 39(i), 39(ii) and 47, 59, 70, 76 or 109";

(b) in clause (3), for the figures and word "15, 76 or 109", the following shall be substituted, namely :—

"1, 15, 76 or 109" :

(c) in clause (4), after the words and figures "which is certified by the Commissioner for the purpose of entry 109 of the said Schedule, to whom he has resold the said goods", the following shall be added, at the end, namely ;—

"or produce a declaration in Form A-1 appended to the said notification, furnished by the purchasing officer-in-charge of the Canteen Stores Department or the Indian Naval Canteen Service, to whom he has resold the said goods".

Published in the *Maharashtra Govt Gazette*, Part IV (Ba), dated August 15, 1985.

RURAL DEVELOPMENT DEPARTMENT

No. **ZPR.1085/ CR-27/64**.—*Mantralaya, Bombay 4000032, dated the 18th July 1985* —In exercise of the powers conferred by clause (ii) of sub-section (2) of section 274, read with sub-section (2) of section 12 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), and of all other powers enabling it in this behalf and in supersession of the Maharashtra Zilla Parishads Scheduled Castes and Scheduled Tribes (Manner and Periodicity of Rotation of Reservation of Seat) Rules, 1967, the Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-sectien (3) of the said section 274, namely:—

RULES

1. *Short title* —These rules may be called the **Maharashtra Zilla Parishads Schedule Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules 1985**.

2 *Definition.*—In these rules, unless the context requires otherwise,—

(a) "Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(b) "electoral division" means an electoral division of a district constituted under sub-section (1) of section 12;

(c) "population" means population as defined in clause (20A) of section 2 ;

(d) "section" means a section of the Act.

3. *Power of State Government to determine number of seats to be reserved for Schedule Castes and Schedule Tribes in electoral divisions in a District.*—For every general election to a Zilla Parishad the State Government shall, having regard to the percentage of the population of the Scheduled Castes and Scheduled Tribes to the total rural population in the district, determine the number of seats to be reserved for such Castes or Tribes which shall be in proportion to the total number of seats for the Councillors to be chosen by direct election from the electoral divisions, as determined under clause (a) of sub-section (1) of section 9.

Note.—Proportion means proportion of the Castes or Tribes population to the total population.

4. *Manner of distribution of seats reserved for the Scheduled Casts and Scheduled Tribes in electoral divisions in a District.*—(1) The number of seats reserved for the Scheduled Castes and Scheduled Tribes, as determined under the preceding rule, shall be distributed among the electoral divisions

in the District where the perecntage of the Scheduled Castes or Scheduled Tribes population with the total rural population of the electoral division is the highest. The seats shall be distributed in the descending order.

(2) The State Government shall, by notification in the Official Gazette, specify the electoral divisions in which the seats have been reserved for the Scheduled Castes and Scheduled Tribes. The notification shall state that any objections or suggestions which may be received by the State Government within a period of not less than seven days, to be specified in the notification, shall be considered by the State Government.

RURAL DEVELOPMENT DEPARTMENT

No. PSR. 1085/CR-28/64.—(*Montrataya, Bombay 400 032 dated the 18th July, 1985*).—In exercise of the powers conferred by clause (xiii) of sub-section (2) of section 274, read with clause (a-a) of sub-section (1) of section 58 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah V of 1962), and of all other powers enabling it in this behalf and in supersession of the Maharashtra Panchayat Samitis Scheduled Castes and Scheduled Tribes (Manner and Periodicity of Rotation of Reservation of seats) Rules, 1985, the Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-section (3) of the said section 274, namely :—

RULES

1 *Short title.*—These rules may be called **the Maharashtra Panchayat Samitis Scheduled Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules, 1985.**

2. *Definitions.*—In these rules, unless the context requires otherwise,—

(a) "Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 ;

(b) "electoral college" means an electoral college determined under clause (a) of sub-section (1) of section 58 ;

(c) "electoral division" means an electoral division of a district constituted under section 12 ;

(d) "population" means population as defined in clause (20A) of section 2 ;

(e) "section" means a section of the Act.

3. *Power of the State Government to determine number of seats to be reserved for Scheduled Castes and Scheduled Tribes on Panchayat Samitis.*—(1) Subject to the provision of sub-rule (2), for every general election to a Panchayat Samiti the State Government shall, having regard to the percentage of population of Scheduled Castes and Scheduled Tribes to the total rural population in the Block and after taking into account the total number of electoral colleges and electoral divisions in the Block, determine the number of seats to be reserved for such Castes or Tribes in that Block:

Provided that, in determining the number of seats to be reserved for such Castes or Tribes in a Block, if a Block is not otherwise entitled to reservation of any seat but if the population of such Castes or Tribes in that Block is not less than one per cent of the total rural population then one seat shall be reserved for such Castes or Tribes, as the case may be, provided no electoral division in that Block is reserved for such Castes or Tribes.

(2) In determining the total number of seats to be reserved for the Scheduled Castes or Scheduled Tribes in a Block, the number of seats already reserved for such Castes or Tribes in any electoral division included in that Block shall be excluded from the total number of seats to be reserved for such Castes or Tribes in that Block.

4. *Manner of dsitribution of seats reserved for Scheduled Castes and Scheduled Tribes among the electoral colleges in a Block.*—(1) The number of seats to be reserved for Scheduled Castes and Scheheduled Tribes in a Block, as determined under rule 3, shall be distributed in a descending order among the electoral colleges having the highest percentage of population of Scheduled Castes or Seheduled Tribes in that Block:

Provided that, no seat shall be reserved for Scheduled Castes or Scheduled Tribes in an electoral college if a seat has already been reserved for such Castes or Tribes in the electoral division of which the electoral college forms the part of such electoral division unless the papulation of Scheduled Castes or Scheduled Tribes is not less than two-third of the total population of the electoral college. In case, if the total population of Scheduled Castes or Scheduled Tribes in the electoral college is less than two-thirds, then the reserved seat shall be given to the electoral college having the next highest population of such Castes or Tribes in that Block.

(2) The State Government shall by notification in the Official Gazette specify, the electoral colleges in which seats have been reserved for Scheduled Castes and Scheduled Tribes. The notification shall state that any objections or suggestions which may be received by the State Government within a period of not less than seven days, to be specified in the notification, shall be considered by the State Government.

Published in the *Gujarat Government Gazette*, Part IV-A, No. 42, dated 17th October, 1985.

FOOD AND CIVIL SUPPLIES DEPARTMENT

No. GTH-85-31 (A)-KSN-/1082/4943/B.—(*Sachivalaya, Gandhinagar, 13th August. 1985*).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Order of the Government of. India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Corporation) Nos. S. O. 681-(E), dated the 30th November, 1974 and S. O. 682(E), dated the 30th November, 1974 and the Ministry of Agriculture (Department of Food) G.S.R. Nos. 452(E), dated the 25th October, 1972, G.S.R. 168(E), dated the 13th March, 1973 and Ministry of Agriculture (Department of Food) G.S.R. 300, dated the 9th June, 1978 and with the prior concurrence of the Central Government, the Government of Gujarat hereby makes the following order further to amend the Gujarat Essential Articles (Licensing, Control and Stock Declaration) Order, 1981, namely :—

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